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A. Holloway.
B. Haggerty.
C Hamfield.
D. Mr. Steele.

THE

TRIAL AT LARGE

OF

Holloway and Haggerty,

FOR THE WILFUL MURDER

OF

J. C. STEELE,

On Hounslow-heath, November the 6th, 1802.

BEFORE

SIR SIMON LE-BLANC, KNIGHT,
One of the Judges of His Majesty's Court of King's Bench,

At JUSTICE-HALL, in the OLD-BAILEY,
February the 20th, 1807.

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TAKEN IN SHORT-HAND,

BY JOB SIBLY,

Short-hand Writer to the City of London.

EMBELLISHED WITH A PLAN AND A VIEW.

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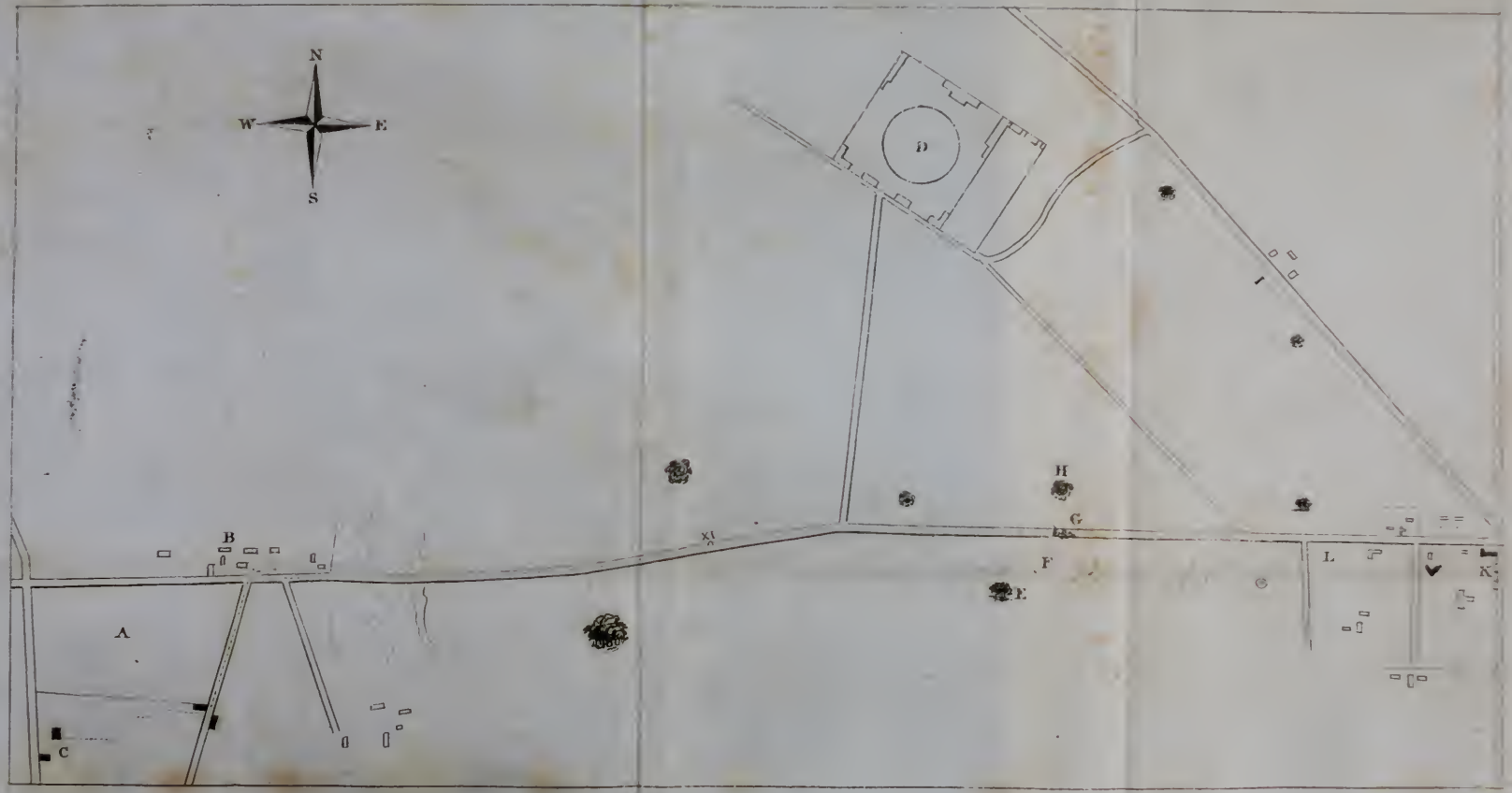
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PLAN

OF A

PART OF HOUNSLOW HEATH.

By W. KINNARD, Junior.

In Relation to the Murder of Mr. Steele.

REFERENCES.

A Mr. Steele's Inclosure.
B Powder mills.
C Mr. Steele's house.
D Barracks.
E Great coat found.
F Shoes and bludgeon found.
G Where the murder was committed.
H Gravel pit where body was found.
I Bath road.
K Bell public house at Hounslow.
L Road to Belfont.

TRIAL

OF

Holloway and Haggerty.

THIS Trial came on at the Seſſions-Houſe in the Old-Bailey, before Sir Simon Le Blanc, Knt. on Friday, February 20, 1807.

COUNSEL.

For the Proſecution.——*Meſſrs. GURNEY, ALLEY, GLEED, and BOLLAND.*
For the Priſoner.——*Mr. ANDREWS.*

JURY.

James Herbert,	George Dodson,	Thomas Moreton,
William Hamilton,	James Powell,	Grange Sarr,
Jonathan Thompson,	William Cook,	William Armſtrong,
Thomas King,	John Williams,	James Driver.

INDICTMENT.

JOHN HOLLOWAY, alias OLIVER, alias LONG WILL, and OWEN HAGGERTY, alias EGGERTY, were indicted for that they on the 6th of November, in the 43d year of his Majeſty's reign, not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the devil, upon John Cole Steele feloniouſly, willfully and with malice aforethought, did make an

aſſault, and that they with a certain large ſtick, which they then and there held in their hands, feloniouſly and at divers times did ſtrike and beat the ſaid John Cole Steele, in and upon his head, neck, arms, and other parts of his body, and that they by ſuch ſtriking and beating, did force the ſaid John Cole Steele down upon the ground, that they with the ſaid large ſtick, and alſo with their feet, him the ſaid John Cole Steele being on the ground, upon his head, neck, arms, other parts of the body, feloniouſly, willfully, and and with malice, aforethought, did ſtrike, kick and beat, giving to him by ſuch ſtriking, kicking and beating with the ſaid large ſtick, the ſaid John Cole Steele being upon the ground, divers mortal bruiſes, wounds, contuſions, and fractures upon the head, neck, and arms, and alſo upon divers other parts of his body, of which ſaid mortal fracture, bruises, wounds, contuſions, him the ſaid John Cole Steele, did then and there inſtantly die.

Second Count for that they on the ſame day feloniouſly and with malice aforethought, did ſtrike and beat the ſaid John Cole Steele, with a certain large ſtick, in and upon his head and ſcull, thereby giving him one mortal bruiſe and fracture of which he inſtantly died.

Third Count for that they on the ſame day did make an aſſault upon the ſaid John Cole Steele, and that they with a certain leather ſtrap round the neck of the ſaid John Cole Steele, feloniouſly, willfully, and with malice aforethought, did fix, tie, and faſten, by means whereof, the ſaid John Cole Steele was choaked and ſtrangled, of which ſtrangling and choaking he then and there died, and ſo the jurors upon their oath ſay, that you the two priſoners at the bar, the ſaid John Cole

Steele, feloniouſly, willfully, and with malice aforethought, did kill and murder againſt the ſtatute and againſt his majeſty's peace.

To which indictment the priſoners pleaded Not Guilty.

(The indictment was read by Mr. Gleed.)

Mr. Gurney. Gentlemen, it is my duty as counsel for the proſecution, to ſtate to you the facts which have to ſupport this indictment, which charges the two priſoners at the bar of the murder of Mr John Cole Steele in the month of November 1802. It will doubtleſs be in your recollection, that the tranſaction of this melancholy event, at that time excited a great deal of attention, with reſpect to the perpetrators of this horrid murder; that attention has been revived by the ſuppoſed diſcovery.—Gentlemen, I only mention this for the purpoſe, that if you have heard of it before you came into that box, which has excited any or the leaſt prejudice in your minds to diſmiſs that from your attention, and bring your minds to the conſideration of the ſubject perfectly free and unbiaſſed, and above all, that you will not ſuffer the imputation of the crime of murder, to lead you a ſingle ſtep that the priſoners at the bar were the perſons that did that murder; that is a fact, that you will try as any other fact ſitting in that jury box, with this ſpecial caution, that it is as important to the public that innocence ſhould be delivered from the imputation of guilt, as that the guilty ſhould be brought to puniſhment.—It is true that the lives of the priſoners at the bar, are at ſtake by your

verdict; and the law ,moſt wiſely for the prevention of this crime, has ordered almoſt inſtant execution; recollect that if you ſhould in judgement commit any error adverſe to the priſoners, that error would be utterly irretrieveable.

Gentlemen, I will ſtate to you the circumſtance reſpecting the deceaſed himſelf, and I will afterwards ſtate the manner in which this diſcovery has been affected, and the evidence to ſuſtain the charge againſt the two priſoners at the bar.—Gentlemen, Mr. Steele was a diſtiller of lavender water, he had a ſhop in Catherine ſtrect in the Strand, and he had a plantation ſituated at Feltham, for the production of lavender, andatthe time that this took place, workmen were then building him an houſe, he was in the habit of going from town to that houſe at Feltham, for the purpoſe of ſuperintending his plantation, and to look after the workmen who were finiſhing that houſe, to which he went down at leaſt once a week. He quitted his houſe in town on the afternoon or evening of Friday the 25th of November giving them to underſtand that he ſhould return on the next day. He arrived at Feltham that night, he ſlept there that night; he left Feltham for the purpoſe of coming to town on the evening of Saturday, ſtating, that probably he ſhould return on the Monday; he left his houſe a little before ſeven in the evening, he was remonſtrated about leaving the houſe and of going alone; he did go, he was regardleſs of that, and at the time he left, his houſe he was dreſt in a great coat, a pair of half boots, he had on a hat nearly a new one; he did not return to town that night, and inasmuch as his buſineſs might have occaſioned him to be out, no alarm was conceived upon that account. The perſons who reſided in his houſe at

Feltham took it for granted he was ſafe in London. Sunday came and not Mr. Steele, and on Monday too; on Tueſday Mr. Meyer became alarmed. In conſequence of that he went on Wednesday to Feltham, and diſcovered that he had left his houſe on the evening of Saturday, and from that time nothing whatever could be found out. It was very evident that some miſchief muſt have happened to him on croſſing the heath; and a great number of perſons were diſpatched for the purpoſe of making a ſearch.—Gentlmen, on the heath you know there are barracks, and the officers very readily lent their aſſiſtance to help thoſe who went on the ſearch for the diſcovery of the body of Mr. Steele, to ſee if it could be found. After a ſearch of ſome time, near a clump of trees in a ditch, about five or ſix hundred yards from the barracks, they found part of the dreſs ſticking out; there, upon removing theſe clothes the body of Mr. Steele was found. It was but too plain that he had been murdered. His face was bloody, there was a violent blow on the front and another on the back part of the head, and a leather strap faſtened extremely tight around the neck; the body had on Mr, Steele's clothes, with theſe exceptions, there was no hat, no half boots, nor any great coat found there. They then proceeded further to the north ſide of the heath; upon tracing the clump of trees marks of blood was discovered, two pieces of a hat were found and a bludgeon was found; there was the appearance there of ſomething having been drawn along, as if the murder was not committed cloſe to the ſpot where the body was buried, and it appeared as if the murder had been committed on the ſouth ſide and the corpſe had been dragged to the

north ſide ; and near to the ſouth ſide an old hat was diſcovered, to which I ſhall have occaſion to call your attention.

Gentlemen, a coroner's jury was called and evidence was taken, and the ſurgeon that I ſhall call to you as evidence will prove to you that Mr. Steele was murdered, that the blow in the front part of the head had fractured the ſcull and was the cauſe of his death ; if this had failed even the ſtrap that had been faſtened about his neck was ſufficient to do that.—Gentlemen, in conſequence of this the moſt diligent ſearch was made to diſcover the perſons by whom the crime was perpetrated; there was every enquiry made that was poſſible, but no diſcovery made ; then after no ſucceſs the matter ſlept. Towards the cloſe of the laſt year information was received by the magiſtrates at the office of Worſhip ſtreet, that a perſon of the name of Hanfield, a perſon who was tried in this court about ſix months ago, and convicted for ſtealing a pair of ſhoes, and ſentenced for tranſportation, had while in Newgate, dropped ſome expreſſions indicating a conſciouſneſs of this offence ; upon this an enquiry was made, and the reſult of thoſe enquiries were ſuch as to induce a police officer to go down to Portſmouth, to bring him up for an examination ; he appeared perfectly ready, he came up to town, and on the road leading acroſs Hounſlow Heath, he pointed out to the officer the ſpot upon which the murder had been committed. He pointed it out with a great deal of exactneſs, and with more exactneſs, than could be expected. Gentlemen, he was brought to the office in Worſhip ſtreet, for examination, and in conſequence of his examination, you have to proceed on the trial. He ſtates that

he was acquainted with the two priſoners at the bar, one he descibes to be a labourer, and the other a bricklayer's labourer; he himſelf formerly had been a poſt chaiſe boy, that he was invited by the priſoner Holloway to go out with him to commit a robbery upon Hounſlow Heath; and that the perſon was a gentleman who went down there, for the purpose of paying workmen, and who therefore muſt have money in his pocket; before they went out of town, they met at the Black Horſe, Dyot ſtreet, and then proceeded on their journey, they alighted at the Bell public houſe at Hounſlow to drink, they in the evening went on to Hounſlow Heath; he ſtates that they met the person that he has ſince learned to be Mr. Steele; that they ſtopped him, he gave them his money and begged that they would not hurt him; they demanded his pocket book, he denied having any, upon which blows were uſed to enforce that demand; at that time they heard the ſound of a carriage, which they suppoſed to be a ſtage coach; that one of them ſtruck him a blow behind his head with a bludgeon, Mr. Steele ſhrieked out the blow was repeated and he was knocked down; and he then groaned once or twice, the blows were again repeated, and he became lifeleſs. The accomplice certainly ſtates himſelf not to be the perſon, by whom he was murdered, but that the blows were given by one of the other prisoners: they then rifled his pockets, but upon it being diſcovered that he was quite motionleſs, the accomplice retreated for his own ſafety, he went away, and came on toward Hounſlow, and ſometime afterwards two of his companions, followed him, and overtook him, they were almoſt out of breath, as if they had been doing ſomething

in a hurry. When they came up he asked them what had become of the gentleman, they ſaid he was cold and ſtiff; he asked them whether they meant he was dead, they ſaid yes. He ſaid it was a cruel act, he asked them if they had got the pocket book, they told him they ſhould not tell him any more about it, for as he had not ſhared in the danger he ſhould not ſhare in the ſpoil. Coming to town they evaded the Turnpike at Hyde Park corner; they came to the Black horſe, Dyot ſtreet, where they had rendezvouſed in the morning, and where they had taken liquor before they came out.

Gentlemen, the accomplice ſtates this to have taken place in the evening, he believes ſomewhere between ſeven and nine. You will obſerve, Mr. Steele ſet out a quarter before ſeven, and therefore this muſt have taken place pretty ſoon after ſeven. Gentlemen, the accomplice obſerved, that when his companions came up to him they were differently dreſſed; one of them had left his ſhoes behind him, and had the deceaſed's half boots, and the other had left his hat, and had on a new hat; they were together, as he deſcribes, day after day, and this affair in a very few days became exceeding public, and the name of the perſon murdered was generally known: the accomplice ſtates that the name of Steele was written in full length in that hat, which I ſhall prove to you to be the property of Mr. Steele, that he remonſtrated with his companion of the danger of wearing that hat, that if he ſhould be taken up it would be evidence againſt him, and there was talk of this hat day after day; the companion went away and brought another hat, they walked to Weſtminſter bridge,

filled the hat with ſtones, and chucked it over Weſtminſter bridge; the accomplice ſtates to have been often in their company, well acquainted with them, and he will name the ſeveral houſes that he has been in in their company, particularly the Black horſe in Dyot ſtreet.

Gentlemen, I need not ſtate to you that the evidence of an accomplice is to be received with great jealouſy and caution: it is not fit that perſons ſtained with crimes ſhould be placed on a level with honeſt men, we cannot equally confide in their teſtimony, for unleſs they are confirmed, juries do not, and ought not, to receive it from them. This accomplice ſtands in one reſpect different almoſt from any other—an accomplice comes in general in this ſituation, that upon being apprehended and charged with an offence, in order to procure indemnity to themſelves, ſtate who were the perſons which were concerned with them in the guilty tranſaction, if they are accepted a witneſs, and they give true evidence, they are then exempt from proſecution; but if when they come to give evidence they either refuſe to ſpeak, or if it is proved that they ſpeak falſely, they have no indemnity, they are themſelves liable to be tried and puniſhed for the crime. This accomplice was under ſentence of tranſportation; therefore while under that conviction, he was not a competent witneſs in a court of law, but a pardon under the great ſeal has reſtored his conduct, and from a diſcloſure that this man has made of all he knew of this tranſaction, it was thought fit that he ſhould have his M jeſty's pardon under the great ſeal, which pardoned him of the offence of which

he was convicted. Since that time he has had no opportunity of commiting any crime, and if he ſhould ſtate any thing that is falſe, you will not proceed one ſtep further.

Gentlemen, the confirmation that an accomplice receives is of two kinds—one is as far as regards himſelf, as far as goes to ſhew that he is ſpeaking the truth, deſcribing himſelf to have been one of the perſons concerned in committing the crime; the other ſo far as to ſhew, who the perſon or perſons accuſed had with him in the commiſſion of that crime; they are perfectly diſtinct, becauſe an accomplice may be true in deſcribing a tranſaction in which he has borne a part, he may be minute in every reſpect as far as regards the tranſaction with reſpect to himſelf, which no man knows better than himſelf, and he may be ſpeaking falſely of A and B, in which tranſaction no ſuch perſons were engaged. You will have no doubt, it is perfectly clear that he was one of the perſons by whom this crime was committed; he will deſcribe the exact ſpot where the murder was committed, that when Mr. Steele received the blows he firſt ſhrieked, and then groaned once or twice; I will call to you the perſons who were paſſing the road at the time, the ſtage coachman, and the paſſengers on that coach; they will tell you that in paſſing by that very ſpot they heard ſuch a ſhriek, as the accomplice deſcribes, and they heard two groans. They remarked at that time there was ſome one being robbed, or ſome violence being uſed; they were too apprehenſive of danger to ſtop on Hounſlow heath, for the purpoſe of aſcertaining what that miſchief was. The accomplice

ſtates, that the gentleman who was murdered, the hat, and the half boots of that gentleman, was brought away by the perſons who committed the murder; he ſtates that he was ſtopped and robbed of the ſouth ſide of the road, and the removal of the body afterwards was a matter which he knew nothing of, he having left them. I ſhall prove firſt of all the aſſault to have been on the ſouth ſide of the road, and that a hat was found near that ſpot, ſo that it ſhews that ſome perſon muſt be engaged in that tranſaction at that ſpot deſcribed by the accomplice. Gentlemen, he deſcribed the hat moſt accurately, for on his being brought up on one of the days of examination, and enquiring whether there was any further evidence to be brought that day; the officer told him yes, a hat was found upon the ſpot; he ſaid that was the hat left by one of his companions, it had the appearance of an old ſoldier's hat, with worſted binding, and that binding was ragged; the hat anſwered exactly the deſcription, as far as within his knowledge, and it appeared to be the hat that one of the priſoners had worn. Then with reſpect to the perſons of the priſoner, the firſt conſideration will be, has he any motive to charge them, is he a ſtranger to them, and if he be not a ſtranger to them, has there been any ſort of quarrel which could lead to this malicious charge. Gentlemen, in conſequence of this diſcovery, the two priſoners were apprehended; one of them had entered in the marines, and was ſerving on board one of his Majeſty's ſhips. Orders were given for his being brought to Deal, an officer was diſpatched there to bring him to town. He was at that time ex-

tremely unwell, he was taken before the port admiral, no intimation being given to him for what he was apprehended. He was aſked where he was in the month of November 803, to which he anſwered; but upon his being aſked where he was in November 1802, his emotion was conſiderable, he appeared to be fainting and falling down.

Gentlemen I would not have you attach too much weight to that, he was extremely unwell; therefore whether it was from emotion of mind or from weakneſs of body, it is not for me to ſay, and you will take care to guard your minds from concluding. It was from that they were brought to town and examined before the magiſtrate, and the firſt enquiry made by the magiſtrate was whether they knew each other, and whether they knew the accomplice; with reſpect to the accomplice, one of them profeſſed to know nothing at all about him; the other ſtated that he had but a very ſlight knowledge of him, and expreſſly denied having been in his company in the different public houſes he had mentioned, and above all that he had never been in his company at the Black horſe in Dyot ſtreet; and upon the magiſtrate asking Haggerty whether he knew Holloway, he replied that he did not know him; and the other priſoner Hollaway ſtated that he had a ſlight knowledge of him. Gentlemen, they were neceſſarily brought up again and again, becauſe the magiſtrate by whom the examinations were taken, knowing that the accomplice was under conviction of a felony, would not adminiſter an oath to that accomplice till by law he was competent ſo to do, until after an enquiry

was made whether he had ſo conducted himſelf as to be worthy of credit, and whether he was ſo confirmed in the ſtory he had told by other witneſſes, ſo as to ſuppoſe he had told the truth, and a fit object for his Majeſty's pardon.

Gentlemen after their being brought up for examination, they were put in a ſeparate room, where they were each of them locked up; they had the opportunity of converſing together, and it was thought abſolutely neceſſary to know what converſation went on: in theſe converſations they would be free to ſay what they pleaſed being alone.

Gentlemen, the officers placed themſelves in a place where they could hear this converſation; they took notes at the time they heard them, from which rough notes they wrote out a fair copy, aiding thoſe notes by recollection. I need not give you all that they ſaid in theſe converſations, the priſoners have been appriſed of every word, and care was taken that no improper prejudice ſhould go abroad, for the office was cleared of all ſtrangers; becauſe theſe things do find their way to the public newspapers. The court is in poſſeſſion of theſe converſations, and I have beſides put them in the hands of my learned friend, for this reaſon, I ſhall take ſuch parts as I think neceſſary for this caſe; if my learned friend ſhould think any other part will go to explain that which I ſhall read, or that it may put a different ſenſe from which it appears to me to bear, he will have the opportunity of having it read; you will perceive there is a great deal of idle converſation, which appears not neceſſary to be adduced in evidence. At the ſame time it appears from this converſation, that they were

well acquainted together, and that they were well acquainted with the accomplice. Their converſation was Owen, are you there; then Haggerty ſaid to Holloway, did you tell them you knowed me, for I denied it entirely; therefore you obſerve there is a denial of their knowledge of each other. In another converſation Haggerty ſaid to Holloway, where is it you told them you ſaw me; Holloway told him at the top of Dyot ſtreet, you know I muſt ſay ſome where thereabouts. Which way did he ſay we came over the back fields; to which Haggerty replied, I do not know; and Holloway before the magiſtrate was aſked whether he had ever been to Hounſlow; he denied that he had ever worked at Hounſlow, or that he had ever been at Hounſlow in his life. The beadle of Hounſlow has been examined, he ſays he ſaw him there twice in company with a man with a wooden leg, which the priſoner in his converſation had confeſſed to be the caſe; I know that the beadle told him who I was and what clothes I wore, elſe he would not have known it. They were ſpeaking of the evidence which Hanfield had given before the magiſtrate; Haggerty ſays where is it, he ſaid we parted with him, Holloway ſays at Hounſlow. Where did he ſay that we met and had the gin, at the Black horſe; Haggerty replied, we muſt had it there. This certainly does appear to be that ſort of acknowledgement which very much ſtrengthens, confirms, and builds up, the evidence of the accomplice, with that ſpecies of confirmation that applies to them.

Gentlemen, in addition to this, the account that they give of the places at which they work-

ed at the time of this tranſaction are falſe; and the account that they give of their knowledge of each other is falſe. I can call to you various perſons who have ſeen them ſo in company with each other, as to demonſtrate that they were intimately acquainted.

Gentlemen, theſe are the facts which I have to lay before you. I believe I ſhall be found not to have overſtated one ſingle circumſtance, I have endeavoured to ſtate them with the beſt accuracy in my power. I wiſh not to add. I ſhall lay them before you as diſtinctly as I can; and when we have ſo done, with all the caution, and under the very able and learned obſervations which you will receive from his lordſhip, you will judge whether the priſoners at the bar are or are not guilty of the murder of Mr. Steele.

EVIDENCE FOR THE PROSECUTION.

THOMAS STEPHEN GERARD MEYER.—*Mr. Alley.* What business are you.—*A.* I am a diſtiller of lavender water.

Q. Are you any relation of the deceased Mr. Steele. *A.* I am his wife's brother.

Q. Where was his town houſe that he carried on his business previous to his decease.—*A.* No. 15, Catherine ſtreet in the Strand.

Q. Had he any place near Hounslow heath.—*A.* He had a place at Feltham, a ſmall houſe, and a lavender nurſery.

Q. Do you recollect in the early part of the month of November, his leaving town for the purpoſe of going to Feltham.—*A.* He left town on the 5th of November 1802.

Court. At what hour.—*A.* It was on Friday in the afternoon

Q. When was he to return.—*A.* He did not state any particular time as to his return.

Q. In consequence of his not having returned did you go to Feltham.—*A.* We understood the fact on the Monday or Tuesday; I went on the Wednesday morning to Feltham to enquire after him.

Q. Were you able to discover him yourself.—*A.* He was not at his house.

Q. Did you go to the barracks and procure assistance to search on the common for him.—*A.* Yes, I did.

Q. After you had searched the common did you discover any thing of him —*A.* I first discovered his great coat.

Q. Be so good as to tell me where you discovered his great coat.—*A.* It was on the side of which his house was.

Court. Which side is that.—*A.* The south side.

Q. You had much better state whether it is the right or left going from Hounslow towards Staines.—*A* It was on the left hand going from Hounslow to Staines; that was the side on which his house was.

Mr. Adey. What was the colour of that coat.—*A.* It was a drab colour.

Q. Was that the same coat that he had on when he left London.—*A.* It was.

Q. Where did you discover it.—*A.* In a gravel, with rushes over it; it was concealed.

Q. How far from the road was it that you found the coat.—*A.* About ten or fifteen yards; after I had found the coat I went to the barracks, and with the assistance of the officers and the rest of the men, they discovered it for me; it was on the other side of the road that a discovery had been made of the body, and I came up the moment after it.

Q. Whose body was it.—*A.* The body of Mr. Steele, I saw the flap of the coat thrown over him I did not see his features at the time.

Q. You had an opportunity afterwards of discovering that itwas his body.—*A.* Yes.

Q. Which side of the road was the body discovered. —*A.* Of the right hand side of the road, on the opposite side of the road; I suppose it might be two hundred yards distance from the road, the hat was brought up to me by Henry Mandy; he brought me an old hat, I picked up a piece of the hat myself besides.

Q. Did you see any thing of a stick.—*A.* I saw a stick afterwards at Bow street.

Q. Had you an opportunity of knowing whether your deceased brother put any mark on the hat he had from the hatters.—*A.* He used almost to write his name in every thing he had, I cannot say whether he did in this hat, he used to write his name in full length.

Q. Soon after there was an advertisement in the paper, stating a reward for the persons that committed it of fifty-pounds; was that to be paid sir, and by whom. —*A.* It was to be paid by the family.

Q. You have not a copy;—*A.* No, I have not.

[*Mr. Gurney*] then produced a plan of the spot where the deceased was murdered.]

Court. I can hardly imagine that a plan is necessary in such a case as this; most likely the jury and the court will understand this without the plan: we will not take it therefore unless it should become necessary; if the case is quite plain, a plan can have no effect but to distract the attention of the court.

HENRY MANDY.—*Mr. Gleed.* Where did you live in November 1802.—*A.* I lived at Feltham.

Q. You were at that time inspector of the works belonging to Mr. Steele.—*A.* Yes.

Q. Did you reccollect Mr. Steele being down there. —*A.* Yes, on Saturday the 6th of November 1802.

Q. What time did he leave Feltham that day.—*A.* As near seven as posible.

Q. When he left Feltham, do you recollect in what manner he was dressed.—*A.* He had on a light great coat, and striped waiscoat, and half boots.

Q. What hat had he on.—*A.* A round hat.

Q. I wish to know whether you recollect whether the

hat was new or old.—*A.* It had been wore a little while, it was not quite a new hat.

Q. What was Mr. Steele custom to do of a Saturday, was it not customary for him to come down of a Saturday to pay the workmen.—*A.* He never came particularly of a Saturday, he came on any day, I was the person that paid the workmen.

Q. I do not know whether you know whether he took any money away from Feltham that night or not.—A. Yes, twenty six or twenty seven shillings, it was a very small quantity.

Q. Was Mr. Steele's name John Cole Steele.—A. Yes.

Q. In consequence of some application made to you, you searched Hounslow-heath.—A. Yes.

Q. On what day was that after the accident happened.—A. It was on the Wednesday following.

Q. Upon searching the heath did you find any thing, belonging to Mr. Steele.—A. When we came to the heath, there were three of us, me, Mr. Meyer, and another gentleman; Mr. Meyer and I went on the right hand coming from Feltham to town, the other gentleman went on the left.

Q. You went on the right hand side of the road coming to town.—A. Yes.

Q. Upon the right hand side of the road did you find any thing.—A. When we came to the third clump of trees, coming to the gravel-pit, I picked up an old hat, that was the right hand side; I picked the hat up, I brought it to Mr. Meyer.

Q. Your attention was drawn to the gravel-pit; in that gravel-pit did you find any thing, or did you see any thing that was found there.—A. I saw the symptoms of a coat, he desired me to get it up; I put my hand under the flags in the water, I pulled up a great coat.

Q. Was the great coat nearly concealed under the flags.—A. Yes, under the water.

Q. Upon taking up the great coat, to whom did it belong.—A. To Mr. Steele, I hoped it on his back the night he left Feltham.

Q. Were there any marks on the great coat.—A.

When we pulled the great coat up and unbuttoned it, we found a speck of blood upon the right shoulder.

Q. You have not answered that first question of mine, was there any particular mark, by which you are enabled to swear that it was Mr. Steele's coat.—A. No particular mark, I knew the coat well.

Q. After you had found the coat, what did you proceed to do next.—A. The other gentleman that went of the left handside of the way, Mr. Meyer, and I consulted together.

Q. Did you continue of the same side or go across.—*A.* We went across the road, and Mr. Meyer and I went to the barracks, and then we came back again; there was a great many people on the heath when we came back.

Q. When you crossed the road tell me what you found.—*A.* I found nothing there.

Q. All that you found was a great coat and a hat. —*A.* Yes.

Cross examined by Mr. Andrews. When you returned from the barracks was there a great many persons assembled.—*A.* A great many.

Mr. Hughes—*Mr. Gurney.* In the month of November 1802 were you employed to search for the body of Mr. Steele.—*A.* I assisted in the search.

Q. Were you at or near the spot at the time the body was found.—*A.* I was, I was so near that I was the person that found it. I found it in the ditch by the clump of trees, it was laying in the bottom of the ditch with the bank pulled down which covered the body over.

Q. In what condition was the body.—*A.* The body was laying on the back, and the flap of the coat was over the face. with a strap round the neck.

Q. How was that strap round the neck.—*A.* The strap had at one time a buckle, the buckle was broken off and one end of the strap had a knife run through it, and the other end of the strap was drawn through, that it was very tight, the face was all over blood and dirt.

Q. Did you observe any injuries upon the head.—*A.* Yes, he had a violent blow upon the back part of the head.

Q. Did you observe any other blow on the head.—*A.* I did not.

Q. Did you see the great coat, hat, and shoes, that were found there.—*A.* Yes, I did.

Court. Did you find the shoes.—*A.* I did, I found the two shoes about fifty yards from the place where the body was; on the same side of the road, where the body was.

Q. Do you know to whom they were delivered.—*A.* I believe to Mr. Bacon the beadle.

Q. Did you see them delivered to him.—*A.* No, I have seen them since at Worship street.

Q. Was there any shoes on the feet of the person, whose body was found.—*A.* None.

Q. Had the body any hat on.—*A.* No.

Mr. Alley. I believe you attended before the coroner. —*A.* I did.

Q. Was the body that was found as you have described, the body the surgeon saw.—*A.* It was.

Court. Had the body any hat on.—*A.* No.

Crofs examined by Mr. Andrews. Did you live in the neighbourhood of Feltham.—*A.* I lived at that time at Hounslow.

Q. Do you know whether the parish officers offered any reward at that time for the murder.—*A.* I do not know.

Mr. Henry Frogley; *examined by Mr. Alley.* You are a surgeon.—*A.* Yes.

Q. Do you recollect after the body had been found on Hounslow heath, seeing the body of Mr. Steele.—*A.* I saw it at the Ship at Hounslow, on the 10th of November.

Q. You examined the body.—*A.* Yes.

Q. Did you examine the head particularly.—*A.* Yes.

Q. Describe in what the state that you found the head. *A.* I found on examining the head, a very large extensive fracture on the front of the head, with a laceration of the integuments, which appeared to me to have been given by a stick, or some blunt instrument; there was also a very large wound, a laceration of the integuments also on the back part of the head, but I did not perceive any fracture of the bone there on the back part of the head. Also there was much injury done to the neck, which was occasioned by the application of

a leather strap, being put round it so tight, that this strap would have produced suffocation of itself.

Q. Did you make any other observations.—*A.* Likewise a very large blow on the upper part of the right arm.

Q. Did that blow appear to have been made by a blunt instrument.—*A.* A blunt instrument, it was such a blow as a stick would have made. My opinion was, that the blows he received on his head, was the immediate cause of his death.

Q. Were you before the coroner.—*A.* Yes.

Q. The deceased was there.—*A.* Yes, and there I examined him; I examined him first on the 10th, and I particularly examined him on the coroner's inquisition.

Q. You saw Mr. Nares.—*A.* I saw Mr. Nares but whether I saw him there, I do not recollect; I have seen him several times on this occasion.

[*Mr. Gurney* produced his Majesty's pardon of Benjamin Hanfield, alias Enfield, part of which was read in court as follows.]

AND Whereas in consideration of some circumstances that have been humbly represented to us, in favour of Benjamin Hanfield; his Majesty has been graciously pleased to grant him, his free pardon for the said offence therein recited. It then recites that in September sessions last, Benjamin Hanfield in due form of law was tried and convicted, and sentenced by the court to be transported for the term of seven years.

BENJAMIN HANFIELD.—*Mr. Gurney.* Attend to the questions that I ask you, give slow answers, be sure to speak the truth, and nothing but the truth—had you known the two prisoners at the bar.—*A.* Yes.

Q. How long have you known Haggerty.—*A.* About seven or eight years.

Q. How long have you known Holloway.—*A.* About six or seven.

Q. Have you known much or little of them.—*A.* A good deal of them both.

Q. Have you been in their company much or little *A.* A good deal in their company.

Q. Was that the case before the month of November 1802.—*A.* Yes.

Q. At what houses had you used to meet them.—*A.* At the Turk's head in Dyot street, the Black horse in Dyot street, and sometimes the Black dog the corner of Belton street.

Q. Do you remember being in their company in the beginning of the month of December 1802.—*A.* Yes.

Q. Did any thing pass between you about going any where, and state what.—*A.* John Holloway came to me at the Turk's head in Dyot street; in the beginning of December 1802, he called me out and asked me if I had any objection of being in a good thing, I replied I had not; I asked him when and where, to which he replied it was *low toby*, meaning a fotpad robbery; I then asked him when and where, he told me he would inform me in the course of a day or two; upon which he came the day but one afterwards.

Q. Who came.—*A.* John Holloway, I saw him in the street, I asked him if he was ready for what he had proposed, he replied that he was, and that it should be done on the Saturday following; and he replied to me to meet him at the Black horse in Dyot street; I then asked him who was to be with us, he replied Owen Haggerty.

Q. Was it said where you was to go to.—*A.* Not at that time.

Q. Any thing more said at that time.—*A.* No more than our meeting afterwards.

Q. Where did you meet afterwards.—*A.* At the Black horse, as appointed.

Q. On the Saturday following who did you meet afterwards.—*A.* Owen Haggerty and John Holloway. Owen Haggerty informed me that it was to *farve* a gentleman.

Q. What does that language mean.—*A.* That is, rob a gentleman on Hounslow heath, who he knew had property about him.

Q. How was he to know that that gentleman had property about him.—*A.* I do not know, it was John Holloway that found it out; we then stopped there till near the middle of the day, and from there we went to Hyde park corner.

Q. Before you went from the Black horse had you any liquor.—*A.* Yes, we had ale or beer, we had liquor, I cannot say what.

Q. You went away from thence towards Hyde park corner.—A. Yes; and then we proceeded upon the road towards Hounslow till we came to a public house on Turnham green, where we stopped, and had some porter, and from thence we went to Hounslow to the further end of the town, we stopped at the last house, a public house, with some trees before it.

Q. Do you remember the sign.—A. No, I cannot recollect; I have since found out it is the Bell.

Q. At what time did you leave the Bell.—A. As near as I can recollect it was past four o'clock; then we proceeded upon the heath till we came near the eleven mile stone towards Belfont.

Q. In your way there did any conversation pass upon the beginning of your going.—A. Nothing further than common discourse.

Q. Tell us what did pass.—A. Nothing more than we hoped to meet with a good booty.

Q. Was any thing said about how you were to do it. A. Nothing; Holloway replied, that when we come near the eleven mile stone that that was their mark, but he thought we were rather too soon.

Q. Did you wait upon the heath any time.—A. Yes, we struck out of the road upon the heath, to a place that is near a clump of trees (I have since pointed out the same spot); we waited there a considerable time, I suppose it was better than an hour, as near as I can say, not having a watch.

Q. Did you stay till after dark.—A. It was dark when we got to the clump of trees, or nearly so, but by the time that we had waited there the moon had arose; we walked out from the clump of trees on the left from here, and walked about half an hour, and then returned to the clump of trees.

Q. Which side of the clump of trees.—A. The left from here.

Q. Did you go beyond the eleven mile stone.—A. We turned down to the left just before we came to

the eleven mile stone; at the time we were going to nigh where he died the moon was obscured.

Q. Did you observe any person coming across the heath; tell us what passed on the business that you went on.—A. We then came out of the clump of trees; Holloway said he thought he heard a foot, upon which we come out, and went along the road, upon which we could descry the figure of a man coming towards us.

Q. Which way was he coming.—A. Towards Hounslow.

Q. On which side of the road.—A. On the right hand side of the road going from there.

Court. On the right hand as you come to London.—A. Yes; he was near the road, on the path way by the road side; then on drawing near him I ordered him to stop, which he immediately did; Holloway walked behind him, between him and Belfont.

Q. How did he appear to be dressed.—A. He was dressed in a light coloured coat.

Q. Could you see whether it was a common coat or a great coat.—A. I did not obſerve whether it was a surtout-coat or a cloſe-bodied coat. I ordered him to ſtop and deliver his money, he replsed he would willingly do that, and hoped we would not hurt him; Owen Haggerty went betwent between me and the deceaſed, the deceaſed put his hand into his pocket, and gave Haggerty ſomething, but what I know not, upon which Holloway asked whether he had delivered his book, I asked him whether he had a book. and to deliver it, he replied he had not got any book, upon which Holloway insisted that he had a book, and if he would not deliver it he would knock him down, he replied that he had none, upon which Holloway knocked him down with the stick that he had in his hand.

Q. Could you ſee where the blow took place.—A. No, I could not.

Q. He was knocked down with a stick.—A. He was knocked down,

Court. Holloway was behind him at that time.—A. Yes.

Q. You was before him.—*A.* Yes, and Haggerty too.

Mr. Gurney. Did the gentleman do or ſay any thing at that time.—*A.* I immediately took hold of his legs, and John Holloway ſtood over him, proteſting, that if he ſaid any thing he would knock out his brains.

Q. Did the gentleman ſay any thing.—*A.* Yes, he kept crying out, do not ill uſe me; Owen Haggerty proceeded to ſearch as I described before; Holloway stood over his head, and the deceaſed made ſome struggle, and endeavoured to get up, upon which he struggled ſo hard that he got nearly acroſs the road. He was very ſtrong, it was as much as our main force could do to keep him down; upon which after he was down he cried out ſeverely, after Haggerty proceeded to ſearch him, and at the identical time, the ſound of a carraige came near, upon which he made another violent effort to ariſe, upon which he could not ſucceed; upon which John Holloway ſaid, I will ſilence the b——r.

Court. Holloway ſaid that.—*A.* Yes.

Mr. Gurney. On his ſecond effort to riſe before Holloway ſtruck him, he had got off the road, which ſide was he then, of the common ſide, on the right hand coming from London.—A. On the oppoſite ſide, on the right hand coming from London. Upon his crying out very violently, John Holloway ſaid, he would ſilence the b——r, John Holloway gave him ſeveral divers blows upon his head and body.

Q. What ſize ſtick was it.—A. I do not know the exact size of it, it was a large black thorn ſtick; on receiving which the deceaſed gave a very heavy groan, in the courſe of half a minute afterwards he gave a ſecond groan, and ſeemed to ſtretch out lifeleſs; upon which ſtretching himſelf out, I was alarmed for my own ſafety; I was on my knees holding of his legs, I aroſe and ſaid, John, you have killed the man; upon which he replied that I told a lie, that he was only ſtunned; I made him for anſwer, that I would ſtop no longer, I ſhould go on to London, he might overtake me; upon which I made the beſt of my way to London, and came on towards Hounſlow, leaving Holloway and Haggerty with him.

Q. You had heard the ſound of ſome carriage wheels, did that ſound at all approach you.—*A.* Yes, it had gone on before, it went by nearly at the time that the deceaſed groaned.

Q. What carriage did it appear to you to be.—*A.* I could not make out what it was, it ſounded heavy.

Q. Did it go like a coach or a waggon.—*A.* A coach, it appeared to me as if it was one of the heavy night coaches.

Court. How far were you from it.—*A.* I ſuppoſe we were near thirty yards from it.

Mr. Gurney. You were then thirty yards out of the road.—*A.* Yes, I cannot aſcertain how far we were.

Q. When you quitted them, which way did you come. *A.* Towards Hounſlow.

Q. How ſoon did you ſee either Holloway or Haggerty again.—*A.* I ſaw them at the end of Hounſlow, I was waiting there near an hour, I ſaw them near to the public houſe that we had been drinking at.

Q. Were you in the houſe.—*A.* No, I was waiting there, juſt oppoſite the road going to Bath, I was juſt oppoſite of that.

Q. Where was the ſpot that this firſt took place with reſpect to the barracks.—*A.* It was not on the ſame ſide of the road, it was beyond the barracks, on the oppoſite ſide of the road.

Q. How near do you take it to be to the barracks.—*A.* I cannot ſay, the barracks lay to the right of us, ſome diſtance behind us.

Q. Have you ſince pointed out the ſpot to any perſon. *A.* Yes, to John Vickery and Mr. Hughes, as near as my recollection would allow.

Q. You ſay that you had waited at Hounslow for near an hour.—*A.* Yes, or more.

Q. After you had waited there that time, did you ſee either of them or how.—*A.* They both came up to me again at Hounſlow, at the further end; then when they came they appeared to be out of breath, and John Holloway obſerved that they had done the trick; upon which I asked John Holloway whether he was in earneſt; he told me he was, and as a token of that he ſhewed me a

hat which he had brought away; putting a hat in my hand.

Q. Was that the hat that he had gone down with to Hounſlow.—*A.* No, it was not, I could tell that by the feel, it was a better hat a great deal.

Q. What ſort of a hat was that he went to Hounſlow in.—*A.* It reſembled a ſoldier's hat to me, it was bound round with worſted binding, and the worſted binding was ragged.

Q. Has that hat ſince been ſhewn you.—*A.* Yes, before the magiſtrates at Worſhip ſtreet, but I do not know whether that is the hat or no.

Q. His hat was a hat like it.—*A.* Yes.

Q. You deſcribed the hat before you ſaw it.—*A.* Yes.

Q. To whom.—*A.* To John Vickery.

Q. When Holloway put this hat in your hand, what paſſed.—*A.* I returned it to him.

Q. What did you obſerve upon this.—*A.* I obſerved and ſaid it was a cruel piece of buſineſs, and I was very ſorry that I had any hand in it.

Q. Did you make any enquiry after his own hat.—*A.* I did; he ſaid he had left it behind, he had ſerved it, meaning that he had disfigured it or buried it.

Q. Serving, means altering ſome way or other.—*A.* Some way or other ſir.

Q. Did you ask any other queſtion at that time.—*A.* Haggerty interrupted us, and ſaid that it was time to proceed towards home.

Q. In ſearching the pockets of the gentleman had you taken any money.—*A.* No, I did not, I did not attempt to ſearch him.

Q. Who did.—*A.* Haggerty ſearched him while I held his legs.

Q. He rifled his pockets while you were holding his legs.—*A.* He attempted to do it; I do not know whether he had any thing or not; afterwards me and Haggerty attempted to come towards London; and on the road Holloway pointed to the right, and ſaid that would be the beſt way for us to come; he went on the left hand.

Court. That is not material to purſue, what road they came.

Mr. Gurney. Where did you come to in town.—*A.* There is one thing to obſerve, croſſing that field I asked him whether they had got the book; Holloway replied, as I had not ſhared in the danger, I ſhould not ſhare in the ſpoil.

Q. You turned out of the high road into a lane.—A. Yes, not into Hounſlow road, into another; there was one thing Holloway pointed to, he ſaid was a mill, or a manufactory, I don't know which.

Q. When you arrived in town you came to the Black horſe in Dyot ſtreet, what time was it then.—A. It was paſt twelve o'clock when we arrived there, the houſe was ſhut up, but they were not gone to bed, we had half a pint of gin there, drank that, and parted for that night.

Q. Did you ſee each other the next day.—A. Yes, we did.

Q. You have ſaid that when you were going down to Hounſlow, Holloway had on an old hat, did Haggerty go down in boots or ſhoes.—A. He went in ſhoes, and he made this obſervation when he went out, that he did not think the ſhoes would laſt him there.

Q. Did you obſerve whether the ſhoes fitted him well.—A. I did not.

Q. Did he come back in ſhoes.—A. I do not know, I cannot ſay whether he did or not.

Q. You ſaw him again the next day.—A. Yes.

Q. Did any thing paſs upon the ſubject.—A. Yes.

Q. Where did you meet the next day.—A. We met at the bottom of Dyot ſtreet; I was at the Turk's head on the next day, I ſaw them at the bottom of the ſtreet.

Q. What paſſed then.—A. I obſerved John Holloway when I came to him had a hat better than he uſually wore, and that it was too ſmall for him; upon which I aſked him whether that was the hat that he had got the night before; he replied it was, and we appointed to meet the following day, which was on the Monday.

Q. Did you meet on the Monday.—A. We did, in the afternoon, I was at the Black horſe, Owen Haggerty came to me and informed me that John Holloway was at the bottom of the ſtreet, I went to him and obſerved, that he had the ſame hat on he had the day before; I told

him he acted very improper in wearing that hat, it might lead to a diſcovery, and I ſaid I hoped he would get it done away.

Q. Did you ſee the inſide of the hat.—A. Yes, upon which he took the hat off and gave it to me, and upon which hat in the inſide was the name of Steele, upon which I pointed out the danger he was in by wearing it; he replied, that he would get the lining taken out; I told him there might be ſome marks about the binding or the buckle that might lead to a diſcovery, and I deſired him that he would get it done away with; he replied that he ſhould meet me again in two or three hours; accordingly he came again in the evening with another hat on, and ſomething tied up in a handkerchief; he asked me if I had any objection of going to Weſtminſter with him and Haggerty; we went into Parliament ſtreet together, I ſaid I thought it was adviſable to throw the hat over the bridge.

Court. What hat.—*A.* Mr. Steele's hat, the hat that he had worn in the day, he had got that hat in an handkerchief.

Q. You did not tell us that.—*A.* I did not underſtand that at firſt, I did afterwards.

Mr. Gurney. You adviſed him to throw it over the bridge.—A. Yes, upon which he went on the bridge, and wanted to throw it over, I made an objection, I ſaid it might ſwim; I went oppoſite to Aſtley's and filled the hat with ſtones; tied the lining over it, and we went on to the bridge to the Weſtminſter ſide, where I throwed the hat over the bridge into the water; upon which we came into Bridge ſtreet, we met ſome women that they knew, and one man, they asked them to drink, upon which we went into a public houſe.

Q. Had you after that any particular converſation with them upon this buſineſs.—A. Never.

Q. You were yourſelf tried here laſt September.—A. Yes.

Q. You were convicted and ſentenced to be tranſported, and ordered to be ſent to Langſton harbour.—A. Yes.

Q. Now I would ask you in what manner were theſe two men dreſſed.—A. John Holloway had a ſhort ſmock

frock, a flannel waiscoat under that, and an old hat, apparently to me like a ſoldier's old hat.

Q. Was that a ſort of dreſs he put on that day, or his usual dreſs.—A. His uſual dreſs.

Q. What was he by trade.—*A.* He is of no trade to my knowledge, he had worked at Mr. Willans at Marylebone, going with his team as a labourer. Haggerty's dreſs was a velveteen jacket, ſwanſdown waiscoat, and velveteen breeches.

Q. What was he by trade.—A. He uſed to follow the bricklayers labourer's work, or plaiſterers, or ſomething of that kind.

Q. Was that the only day that he was dreſſed ſo or his uſual dreſs.—A. His uſual dreſs, ſometimes he had the addition of a pair of blue trowſers on.

Q. You were ſentenced to tranſportation, you were in Langſton harbour; did the officer come down to you in November.—*A.* He came down to me in October or November, he brought me up in the Goſport coach.

Q. You came acroſs Hounslow heath.—*A.* Yes.

Q. As you were croſſing the heath, did you point out any thing to Vickrey.—*A.* I pointed out to the officer the ſpot where we firſt met him, I was going to ſpeak but he ſilenced me.

Q. Had you told him before you came there, that you would give him a ſignal.—A. No, I had not.

Q. But you made ſome ſignal to him.—A. Yes.

Q. But you did not go on, why did he prevent you from ſpeaking.—A. Becauſe there was ſome people by us on the coach.

Q. Have you ſince been at the ſpot with Vickrey and Mr. Hughes.—A. Yes, and the beadle of Hounslow was there too.

Croſs examined by Mr Andrews. Hanfield, it is a long time ago all this that you have been ſtating.—A. Yes.

Q. How long ago was this.—A. In the year 1802.

Q. Did you make any memorandom of any thing that paſſed in the year 1802, ſo as to refreſh your memory.—A. No, no other remarks than my own conſcience.

Q. Then all that you have repeated to day, is from the mere reſult of your memory without the aſſiſtance of any memorandum.—A. Yes.

Q. When did you firſt make this diſcovery, or when did you firſt repeat this ſtory.—*A.* At Worſhip ſtreet.

Q. How many months ago.—A. In September or October laſt.

Q. Then the firſt time you repeated this ſtory was in 1806.—A. Yes.

Q How came you firſt to tell this ſtory.—A. It was by mere accident.

Q. What was that accident.—*A.* I was in this jail, we were talking of different robberies that had been committed,

2. You were talking of different robberies.—A. I do not ſay myſelf, we were talking of different robberies, and this unfortunate affair came up, when I ſaid that there were only three men in England that knew it, upon which there was a rumour in the jail, that I wanted to turn *Noſe*, (i. e. to betray his aſſociates), upon which I was obliged to vindicate myſelf in ſilence; it ſtruck me forcibly that I was in danger from this accident, and I was ſorry for having ſaid it on my own account,

2. You ſaid it by accident, and was ſorry for ſaying it, and ſo you were ſorry for diſcloſing the truth.—A. I was not ſorry for ſaying the truth, I was only ſorry for ſaying it in that place; I was afraid and thought myſelf in danger.

Q. Should you ever have diſcloſed it if it had not been for that accident.—*A.* I do not know that I might.

Q. Why did not you diſcloſe it further.—*A.* I was in too much fear.

Q. Then it was entirely in conſequence of this accident or you never would have diſcloſed it.—A. It was entirely in conſequence of this accidental communication; ſir John Carter came to me at Portſmouth, and aſked me if I knew any thing of this affair, I replied I did, and I hoped to relate it all, I was very willing to come up to London, to do juſtice to the country and myſelf, for it lay heavily on my conſcieuce; I wanted to bring it to light.

Q. That is not an anſwer to my queſtion; my queſtion is, that if it had not been for that accident in Newgate, you would not have told any body about it.—*A.* I dont know that I might.

Q. At the time that this murder was committed, you thought it was a cruel thing.—A. I did.

Q. You took no part in this murder.—A. No I did not, no further then being preſent.

Q. All that you did was to hold Mr. Steele's legs.—A. Yes.

Q. But none of the blows were given while you held his legs.—A. I did not ſay ſo.

Q. If you thought it was a cruel and ſavage thing, why did not you reſiſt it.—A. I knew it was of no utility to reſiſt; I did not go out with any intent to murder.

Q. Can you read.—A. Yes.

Q. Look at that book. (*a teſtament handed to the witneſs*) read the firſt verſe of that book.—A. (*Witneſs read*) the book of the generation of Jeſus Chriſt, the ſon of David, the ſon of Abraham.

Q. Then the moment you ſaw this hat in your companion's cuſtody, you adviſed him to conceal it.—A. Yes.

Q. Though you thought this was a very cruel thing, and at the time you did not chuſe to have a ſhare in the murder, you did not go to complain of this murder that had been commited by your comrades.—A. I did not.

Q. Not till the time this accident happened in Newgate, you never diſcloſed any thing about it.—A. No.

Q. What induced you to make this diſcloſure, when the gentleman, ſir John Carter, came to you.—A. Compunction of conſcience.

Q. How ſoon did this compunction come on you.—A. It came on me ever ſince it was done, from the firſt inſtance of commiſſion.

Q. How happened it then that in the courſe of four years you did not go before any magiſtrate to ſtate it.—A. I was too much to my ſhame, in the habit of vice to think any thing about it, unleſs when I was ſober in bed, or by myſelf alone, then I felt it bitterly; I was obliged to fly to company, or to drink to diſpel my wretched thoughts.

Q. Have you never heard there is a reward offered for the conviction of a murderer.—A. No, I have not ſir.

Q. Did you ever hear of any reward being offered for the apprehenſion of thoſe who murdered Mr. Steele. —A. Yes.

Q. Notwithſtanding that you did not make any diſcloſure.—A. No.

Q. Do you know a perſon of the name of Wilſon.—A Yes, I believe I do.

Q. And a perſon of the name of Welden.—A. I do.

Q. Do you not know Iſaac Wiſe.—A. I do.

Q. Do you know Dalton,—A. I do.

Q. Have you had any converſation with theſe men concerning this murder,—A. After I was tranſported I had a converſation with them.

Q. Since laſt September had you a converſation with Welden, Wiſe, and Dalton, can you recollect what it was about.—A. No.

Q. You cannot recollect what it was about, was it not about this murder.—A. I cannot ſay.

Q. Will you ſwear that you had not a converſation with theſe men more than once on the ſubject.—A. I will not.

Q. Will you ſwear that you cannot recollect whether you had or not.—A. I will not ſwear that.

Q But you will ſwear about this tranſaction in November 1802, and yet you cannot recollect this tranſaction.—A. No, I cannot.

Q Did you ever have any converſation with any body that you had got a ſomething that would put five hundred pounds in your pocket,—A. I ſaid ſo to a man in the jail, a Mr. Shuter, that a grandfather had died and left me ſome money, and I thought I ſhould not be able to get it.

Q. Did you never ſay that by diſcovering ſomething you could put five hundred pounds into your pocket. —A. No.

Q. You never ſaid that by diſcovering ſomething you could put five hundred pounds in your pocket, beſides getting your liberty.—A. No.

Q. Then if any body comes forward and ſwears that, they will ſwear falſely.—A. They will.

Q. It was only compunction of conſcience that

induced you to make this diſcloſure.—A. I will ſwear that.

Q. How often have you been within the walls of this priſon.—A. I have been here often, I have been confined in the jail, and I have been tried and convicted here.

Q. And you were under tranſportation at the time this diſcovery was made; what promiſe was made to you, to induce you to make this diſcovery.—A. No promiſe at all,

2. You had no other motive at all but to unburthen your conſcience.—*A.* I had no other motive.

2. When you met Holloway, you urged him to go on with the robbery, he did not come to you.—*A.* He was come for that express purpoſe, I met him in the ſtreet.

2. You were not at all intending to commit murder. —*A.* No.

2. Though the murder was committed, and you knew that the murder had been committed, you did not think it right to go to a juſtice to get theſe men committed.—*A.* No, I did not.

2. After Mr. Steele was knocked down he went to the other ſide of the road, partly by your dragging him, and partly by his own exertion; no blows had been given him but by Holloway behind.—*A.* No.

2. And the moment you ſaw this murder done, you went towards Hounſlow.—*A.* Yes.

2. It was you that propoſed the concealing this hat. —*A.* Yes.

2. How often have you been a witneſs for proſecutions.—*A.* I never was but once before.

2. How long is that ago.—*A.* I cannot ſay, it may be a year and a half.

2. How often have you informed againſt perſons for burglary to entitle yourſelf to reward.—*A.* Never.

2. Will you ſwear that.—*A.* That I will ſwear.

2. At the time that you ſpeak of being a witneſs here, did you come in the character of an accomplice, as you came here to day.—*A.* I came forward as fel-

low servant of a man who had committed the crime.

Q. All this you have told is not from any memorandum.—*A.* I have no memorandums.

Q. What way of life were you in before you were sent on the hulks.—*A.* I was a hackney coachman.

Q. How did you get your living.—*A.* Sometimes by thieving and sometimes by industry.

Q. Who did you drive for.—*A.* I had many masters.

Q. Do you mean that every day you had a new master.—*A.* I do not mean that.

Q. How many regiments have you been enlisted in.—*A.* Several.

Q. So many you cannot tell.—*A.* I do not know that.

Q. How old are you —*A.* Twenty-six

Q. How many regiments have you been in.—*A.* I cannot imagine how many, I have been in a good many.

Q. Will you take the trouble to enumerate how many regiments you have been in.—*A.* I have been in the East and West London militia.

Q. That is two.—*A.* The twenty-sixth light dragoons, and in the twenty-ninth dragoons, and in the army of reserve.

Mr. Alley. I certainly must object to this mode of cross examination, as tending to make the witness criminate himself.

Court. If he chuses to answer the questions I shall have no objection.

Mr. Alley. We cannot go into any fact that has a collateral issue.

Court. A witness may object to answer any question that subjects him to punishment, still if he chuses to answer he may; if he chuses to object I will not compel him to answer any questions the answers to which may criminate or expose himself. He certainly is not bound to answer any thing, by saying that he has committed an offence, for which he is subject to any civil or military punishment; but standing in this situation, if he chuses to answer such questions, there can be no objection

from any body else. I have nothing to do with the accounts of facts, which have no bearing on the issue, except as they have a bearing on the character of a witness, and that is very material to the issue, because the questions often turn out on the character of a witness; but if the witness objects, it is imposible for the counsel to cross examine him in a manner that shall subject him to punishment. I will go farther, perhaps he may not be allowed to make the witness expose himself; but the witness may answer any questions if he chuses it, whatever the effect of that may be if he objects it is my business to take notice of the objection to protect him answering questions tending to criminate himself.

Mr. Andrews. Then you have been in five differen regiments.—*A.* These are questions that I shall not answer.

Mr Andrews. I dare say not; after the observation from his lordship, I did not expect it, you are not bound to answer certainly.

John Vickery; examined by Mr. Alley. You are an officer of the police office, Worship-street.—*A.* I am.

Q. Were you at any time directed to go to Cumberland Fort, Portsmouth, for the purpose of apprehending of Benjamin Hanfield, the last witness.—*A.* I was, I think on the 15th of November last; I found him there, where he was delivered to me by the Captain of the Hulks at Langston Harbour.

Q. On your return to town, when you approached Hounslow-heath, do you remember his having done any thing.—*A.* When we came to Hounslow-heath, near to a clump of trees, on the right side of the road, between the ten and eleven mile-stone, as we were coming up, he made an observation with his finger, and pointed to the place; we were riding on the outside, at the back part of the coach.

Q. Were there any other persons on the outside of the coach.—*A.* Yes, there were three or four passengers on the outside.

Q. Did he say any thing.—*A.* He was about to

speak, I told him not to say any thing then, on account of there being passengers on the outside of the coach.

Q. Do you know a man of the name of Dunn.—*A.* Yes, Joseph Dunn, he was a parish officer for Paddington.

Q. I believe Holloway was apprehended by him —*A.* The first time I saw Holloway was at Clerkenwell Prison.

Q. At that time had you communicated to him what he was in custody for.—*A.* I took him from Clerkenwell Prison to John-street, Bedford-row; when he was outside of the prison with me and Bishop, I read the warrant to him.

Q. You do not know how long he had been at Clerkenwell Prison.—*A.* Yes, I do, he had been there the night before.

Q. You then read the warrant that you hold in your hand.—*A.* Yes, that was the next day; the warrant charged him on suspicion of the murder of Mr. Steele, to this he said he was innocent, he said, Oh, Dear! I know nothing about it, I will down on my knees to you and the justice, if you will let me go; this was in the presence of Bishop.

Q. Did you afterwards apprehend Haggerty.—*A.* I did, I took him on Saturday, the 29th of November, on board the Shannon frigate in the Downs, laying off Deal.

Q. Did you, at the time you apprehended him, communicate to him what you apprehended him for. —*A.* No, he was so unwell, he was obliged to be let down out of the ship into the boat; I was apprehensive that he would not live to come to London.

Q. Did you take him before the port-admiral.—*A.* I did, the same morning the admiral asked him how long he had been a marine, he said about two years; he asked him where he was three years ago, you could hardly hear him answer, he was so very unwell, he said he did not know, I believe that was the word; the admiral then said, pray where was you four years ago, upon that he made no reply, I saw his counte-

nance after, he would have fallen backwards if I had not have caught him ; I then begged the admiral would let him have a little water and a seat to sit on, which was granted him.

Q. Did he answer where he was four years ago.—*A.* He did not.

Q. Did he give you any description of a hat and a stick.—*A.* No, he did not.

Q. Before the first examination did Hanfield give you a description of a hat and a stick.—*A.* He did.

Q. Have you since seen that hat and stick.—*A.* I have, he did not mention the stick, only the hat; the hat tallied with the description he gave as near as could be in the way it was mangled, it was cut in pieces when I saw it.

Q. Had you an opportunity of seeing Handfield after you had seen the hat.—*A.* I think not, he was in the House of Correction, and an order for no one to see him without an order.

Q. Have you ſince you brought Hanfield to town, been in company with Hanfield to Hounſlow.—*A.* Yes, I have.

Q. Was Mr. Hughes there alſo.—*A.* He was.

Q. Did Hanfield point out to you any particular place. —*A.* Yes he did, we went to the Bell, where we alighted out of the coach, he went on near to the eleven mile ſtone ; when we went from the Bell, I deſired him to go on as faſt as he liked, and the way he pleaſed, he then pointed to the left hand ſide to the clump of trees ; he was on the right going towards the powder mills, he turned round on the left, and ſaid we were concealed in that clump of trees, or this I, cannot ſay which word he uſed.

Q. In point of fact he pointed out the place.—*A.* Yes.

Croſs-examined by Mr. Andrews. You ſay Haggerty was ſo ill he could hardly come up to town.—*A.* Yes, we were obliged to leave him behind at Deal hoſpital.

JOHN SMITH.—*Mr. Gleed.* You are a coachman.—*A.* Yes, I am ſervant to Mr. Waterhouſe, Swan with Two Necks, Lad lane.

2. In November 1802, what coach did you drive.—*A.* I was the driver of the Goſport coach.

2. What time does that coach leave London.—*A* At ſix o'clock.

2. Did it leave London in November 1802, about ſix o'clock.—*A.* Yes.

2. What time does it get to Hounſlow.—*A.* I ſuppoſe about eight.

2. Do you recollect the report of Mr. Steele being murdered on Hounſlow heath.—*A.* I do.

2. On that evening do you recollect any thing happening.—*A.* I heard a man groan twice.

2. What time was it you left Houuſlow.—*A.* At eight.

Q. How far had you got from Hounſlow.—A. Betwixt the trees, and the eleven mile ſtone; I heard a man moan as though he was in diſtreſs, the groans and moans I heard twice; I ſupposed it to be a man.

Q. Was the firſt time louder than the ſecond.—A. The firſt time was louder than the laſt; and the laſt more faint.

Q Was it on the right hand ſide or the left the ſound. —A. On the right hand ſide, and apparently behind.

Court The right hand ſide as you were going along. —A. Yes.

Mr. Gleed. Your miſtreſs was a paſſenger in the coach. —A. She was.

Q. You drove on.—A. Yes I did, I remarked to the paſſengers, that I thought there was ſomething amiſs.

Q. Beſide the groans, did you hear any voice.—A. I did not.

Q. How was it with reſpect to the night.—A. It was a moonlight night, but the moon was ſhaded at the time.

Court. It ſeems to me to be unneceſſary to call any more witneſſes to prove the fact; that Mr. Steele was murdered at that place, that is a matter of fact perfectly eſtabliſhed. There is no doubt but the witneſs, Hanfield, had a hand in the murder; the queſtion is whether the priſoners at the bar had, and whether they were the perpetrators of it or not, you need not call any other witneſs

to corroborate what the coachman has proved, it appears to me to be a fact that cannot be denied. If, however, the gentlemen for the profecution, are of opinion that any further evidence on this head may be neceſſary, I ſhall not prevent it.

ISAAC CLAYTON—*Mr. Belland.* You are the beadle at Hounſlow.—A. Yes.

Q. Were you ſo in the year 1802.—A. Yes, I was.

Q. Did you get any thing delivered to you, by a perſon of the name of Hughes.—A. I do not know whether it was Hughes or no; I rather think it was. I had a ſtick, a hat, and a pair of ſhoes they were given to me.

Q. What did you do with that hat, ſtick and ſhoes.—A. I brought them and laid them down before ſir Richard Ford, at the Red Lion at Hounſlow.

Q. Look at the priſoners at the bar, and tell me whether you ſaw them before to day.—A. Five or ſix years ago I ſaw Holloway and Oliver, I ſaw Holloway with a turnip team, with a man that had a wooden leg of the ſame name; they had been pulling turnips either at Hanworth or Isleworth in that part that comes towards Hounslow heath, I knew the old man thirty year before that.

Q. Where did you ſee Holloway.—A. I am not certain whether it was at the Bell public houſe, or the Tankerville arms; when I was ordered to bring the clothes to Worſhip ſtreet, I ſaw the priſoner come in the coach to the office, and when I ſaw Oliver, I thought I knew the man, I looked at him very hard, he ſaid I know you, I ſays I know you very well, I know'd you at Hounslow, I ſaw you either at the Bell, or at the Tankerville Arms; I ſaw you with a man of the ſame name that had a wooden leg that came out of Buckinghamſhire: the priſoner Holloway ſaid, he knew me very well.

Q. Do you know how he was dreſſed at that time when he came out of the coach, when you ſaw him go into the public office.—A. I did not take particular notice of his dreſs, I took notice of his features.

Croſs examined by Mr. Andrews. How came you to take account of him ſix years ago.—A. Becauſe of this man with the wooden leg, and both of the ſame name; I ſaw him at Brentford election, I being a conſtable and a beadle.

Q. What made you take particular notice of him.—A. Why this Oliver and the man with the wooden leg was of the ſame name.

Q. Have you no other reaſon. There may be a hundred men of the name of Oliver.—A. I have no other reaſon.

JOSEPH TOWNSEND—*Mr. Gleed.* You are a patrol of Bow ſtreet.—A. I am, I produce this bludgeon, a pair of ſhoes, an old hat and a ſtrap.

Q. From whom did you receive them.—A. Of the late ſir Richard Ford at the office of Bow ſtreet; I have kept them from that time to this.

Q. (*to Clayton.*) Are theſe the things that you laid down before ſir Richard Ford.—A. Yes I ſwear to the ſtrap, ſhoes, and ſtick.

Q. (*to Hughes.*) Did you find theſe things on the common.—A. I did—not the body of the hat, only the two pieces of the hat, the bludgeon, and the ſhoes.

Q. Did you deliver them to Clayton.—A. I do not recollect the man's name that took them out of my hand.

WILLIAM BLACKMAN.—*Mr. Bolland.* Look at the priſoners at the bar and ſay whether you know them, point them out.—A. This is Owen Haggerty, (*witneſs pointing to him.*) I have known him ſix or ſeven years, and Holloway about a year and a half

Q. Do you know Hanfield.—A. Yes, I have known him four or five years.

Q. Have you ever ſeen Hanfield in the company of Haggerty.—A. They have kept company together for theſe four or five years; I have ſeen them at the Turk's head and at the Maidenhead in Dyot ſtreet, and at the Black dog in Belton ſtreet.

Q. Do you recollect the time that Mr. Steele was murdered.—A. I do, about that time I ſaw Owen Haggerty, Holloway, and Hanfield together.

Q. How long is that ago.—A. About four years ago, I cannot ſay exactly as to the time.

Q. You cannot fix the time.—A. No, only about four years ago.

Court. That is only general evidence, it is no otherwiſe

important than to prove a fact, which the prisoners have denied, he has stated his seeing them together, and that they were acquainted with each other.

Blackman. About four years ago, I cannot positively say to the month, I went into the Turk's head, Dyot street, Haggerty was there, he was dresst in a velveteen jacket and breeches, and a new hat. I said to Owen Haggerty, you have been in a good thing lately, what are you at now, he said he was working in the country, serving the plaisterers. I said that is two to one,

Q. Did he say where he was working.—A. To the best of my knowledge he said at Hounslow. He said he had tied it up that is as much as to say he had left off thieving,

Cross examined by Mr. Andrews. He said he was working in the country, and had tied it all up.—A. Yes,

EDWARD CROCKER—*Mr. Bolland* You are a Bow street officer, tell me whether you know either of the prisoners.—A. I know Haggerty better than I know Holloway.

Q. Am I to infer from thence that you know them both. —*A.* Yes.

Q. Do you know Hanfield.—*A.* I do, I have seen Haggerty and Hanfield in company together several times.

Q. Have you seen them together in any public house. —*A.* Yes, the Turk's Head in Dyot street, St. Giles' and the Black horse in Dyot street.

Q. Do you remember about three or four years ago meeting them in any public house in Dyot street.—*A.* About three or four years ago I went into the Turk's head, Dyot street, Haggerty was there, he was dresst in a blue jacket, all smeared with lime; he then said he had *tied* it all up, he had taken to work; he said he served the hawk for the plaisterers; I met with him several times in the street, I have frequently seen him with a stick, he had a lame ancle.

Q. What sort of a stick.—*A.* A black thorn.

Q. Was it a very large stick.—A. It was not a very large one nor a very long one.

CHRISTOPHER JONES; *examined by Mr. Gleed.* What are you.—*A.* I am a Bow street officer.

Q. Do you know the witneſs Hanfield.—*A.* I have known Hanfield three years, Haggerty about five, and Holloway about ſix months.

Q. Have you ſeen them together.—*A.* I have ſeen Haggerty and Hanfield together in different houſes, and in the ſtreets; I believe about three years ago, I have never ſeen Holloway and Hanfield together.

RICHARD LIMBRICK; *examined by Mr. Gleed.* What are you.—*A.* I am a Bow ſtreet officer.

Q. How long have you known Hanfield.—*A.* I have known Hanfield about three years, I have known Haggerty about five years, and Holloway it may be about two years, not more.

COLLIN M'DANIEL; *examined by Mr. Gleed.* What are you.—*A.* I am a publican, I keep the Black horſe in Dyot ſtreet.

Q. Look at the priſoners, and tell me whether you know either of them.—*A.* I know one of them, Owen Haggerty, I have known him nine or ten years.

Q. Do you know a man of the name of Hanfield.—A. Yes, I have known him five or ſix years.

Q. Did you ſee him and Haggerty together at any time. —A. I have ſeen them in one box together in my own houſe.

Q. How long ago.—A. Three or four or five years ago.

Q. Have you often ſeen them there.—A. Not very often.

Croſs-examined by Mr. Andrews. It is not an uncommon thing for two men to be in a public tap room.—A. No, three diffeernt companies may be in the ſame box at one time.

WILLIAM BEALE; *examined by Mr. Gleed.* Where do you live.—A. I live at the Turk's head in Dyot ſtreet.

Q. Do you know either of the priſoners.—A. I know them all three; I know Hanfield and the two priſoners at the bar, I have known Haggerty about three years, Hanfield about two years, and Holloway rather better than a twelve month.

Q. Have you ever ſeen them together.—A Never all together, I have ſeen Haggerty and Hanfield together about two years ago at my houſe.

Q. Do you mean in company or ſeparate.—A. They were both in my tap room.

Q. Were they drinking together.—A. I never ſaw them drinking together.

Croſs examined by Mr. Andrews. Is it an uncommon thing for two men to be in your tap room together.—A. No.

Court. Had you ſeen him often in your tap room.—A. I ſaw them more than three or four times in my tap room.

Q. Where they in company together, or in different company.—A. I did not know whether they were in the ſame or in different company.

JOHN PETERSON;—*examined by Mr. Alley.* What are you.—A. I am porter at Billingsgate.

Q. Look at the priſoners at the bar, and tell me whether you have ſeen them any where.—A. I have known Owen Haggerty about five years, and Hanfield about three years.

Q. I want to know whether you have ſeen them in company together.—A. I have ſeen Haggerty and Hanfield together at Mr. Beale's houſe, at the Turks head, I have frequently ſerved them with beer at that houſe.

JOHN SAWYER *examined by Mr. Gleed.* I live in Cumberland ſtreet, in the Strand, I lived at the Bell at Hounſlow in November 1802,

Q. Juſt look round and tell me whether you know either of the perſons of the priſoners at the bar.—A. I have ſeen this man about Hounſlow, (*pointing to Holloway*); at what time, I cannot exactly take upon me to ſay; I have ſeen them two men about Hounſlow.

Q. Have you ſeen Hanfield.—A. I have not the ſlighteſt knowledge: of him I left Hounſlow in May 1803.

Q. It was before you left Hounslow that you ſaw the two priſoners.—A. Yes.

Q. When you ſaw the two priſoners at Hounslow, were they together.—A. I cannot ſay whether I ſaw them together or ſeparate, nor do I know that they ever were at our houſe.

Croſs-examined by Mr Andrews. Are you quite ſure that you ſaw them at Hounslow.—*A.* I will not be certain

that it was in Hounslow, it was in the neighbourhood o Hounslow, and Brentford. f

Q. You are a ſpeaking to a period of four or five years ago.—A. Yes.

Mr. Gleed. Have you any doubt now.—A. I have ſeen them between Hounslow and Brentford, I have lived at Hounslow the greater part of my time, ſince that time I have no reccolection of them; I muſt have ſeen them in that neighbourhood, I very ſeldom came to London then.

JOHN NARES, ESQ.—*Mr. Alley.* You are a magiſtrate of the county of Middleſex.—A. I am.

Q. You attended the ſeveral examinations at Worſhip ſtreet office.—A. Yes, I did. On the 8th of December laſt, the two priſoners were brought before me.

Q. Was the witneſs Hanfield examined in their preſence. —A. He was not examined in their preſence.

Q. I want to know Mr. Juſtice Nares, whether Hanfield gave any account of this tranſaction, and whether that account was read to the priſoners, or whether Hanfield gave any account of the tranſaction in the preſence of the priſoners.—A. He did, I took it down in writing from him.

Q. In conſequence of what he ſaid, did you call upon the defendants to make any allegations, having previous to that read over what Hanfield ſaid.—A. I examined the priſoners ſeparate, I read the account of what Hanfield ſaid to me, and what Hanfield firſt ſaid in the preſence of the priſoners; I examined them apart and took it down in writing, I told them if afterwards they chuſed to ſign a true account, that would be given in evidence againſt them they did not ſign it.

Court. You ſhould have told them whether they ſigned it or not, it would be adduced in evidence againſt them.

John Nares Eſq. I aſked Haggerty whether he ever ſaw Hanfield before, he ſaid I never ſaw Hanfield to my knowlecge before I went into the marines, I was a bricklayer's labourer at the time I enliſted, I had no work, I enliſted with ſerjeant Holmes in Belton ſtreet, I lived at that time in Dyot ſtreet, St. Giles'; I was in the habit of go-

ing to the Black horſe in that ſtreet. I was in priſon in Tothil fields in May 1802 and remained there till the laſt day of the ſeſſion following.

Court. We ought not to regard that account unleſs it refers to ſomething of this tranſaction; the account of a man's life may attend to other tranſactions. I would have the witneſs only to direct his attention to ſuch parts as relate to the caſe.—*A.* This examination was to give an account where he was.—"In November 1802 I was in priſon in Tothil fields, and remained there till the laſt day of the ſeſſions following, which muſt be July; work, he ſaid, at that time was ſcarce, and in the winter I went to Mr. Smith's in Caſtle ſtreet, Seven Dials, he now lives in a court near Caſtle ſtreet, Mr. Humphries was the owner of the houſe, I believe; I worked for him all the winter; I never was in Dyot ſtreet, at the Black horſe with Hanfield or Holloway in my life. Macdaniel, who keeps the houſe, knows me, and his daughter." Then he ſays—"That he never was at or near Hounſlow in his life. I generally dreſſed, when out of work, in a velveteen jacket and breeches; then he denies being at the Black dog or Turk's head with Hanfield, or played with him at ſhove-halfpenny; then I asked him at another time as to Blackman and the other officers' evidence that they had given; he denied knowing any of the Bow ſtreet officers, and that he had ever worked at Hounſlow, and that he never ſaid to Blackman that he had worked for a plaiſterer at Hounſlow. That is all that is material, as to what Haggerty ſaid. In conſequence of what he ſaid about working for Mr. Smith, Mr. Smith was ſent for and examined in the preſence of Holloway and Haggerty. Mr. Smith ſaid he never worked for him at the time; and then the priſoner Haggerty ſaid he would not ſay where he worked.

Mr. Alley. Did you purſue the ſame courſe with reſpect to Holloway as you had done to Haggerty.—*A.* Yes, Holloway ſaid—"he knew Benjamin Hanfield, he had ſeen him three or four times in the ſtreet, but never was at any public houſe with him except after we came out of priſon together in the year 1804;" when we went to the Buffalo's head in the New road, but did not drink with him there.

Q. Did he ſay any thing reſpecting Dyot ſtreet.—*A.* He ſaid—"he knew Haggerty and had done ſo about two years and upwards, then he denies ever having been in

the company of Haggerty and Hanfield; he said he never was in their company together in his life; I never have been at the Black horse above five or six times for sixteen years. I have not been there for the last five years."

Q. Did he say any thing respecting Hounslow.—*A.* "He denied ever having been at Hounslow in his life; he said I was never near Hounslow, or worked there in my life." Then when I enquired where he worked in November 1802, he said—"that he worked for Mr. Rhodes and Mr. Stedman, and for different people." They were all examined in his presence, and they denied that he worked there at the time.

Q. This was Holloway.—*A.* Yes.

Q. This examination was particularly pointed to the month of November 1802.—*A.* Yes, and he gave different accounts of who he worked with at that time. I was particular to the month of November 1802.

A. And at each time he stated that during the month of November 1802, he had worked for different persons.—*A.* Yes, he mentioned several persons, and those persons denied it in all his examinations.

Q. He mentioned the different persons, in consequence of which you brought forward those different persons, and they denied it.

Holloway. The mistake that was made was this—I made a mistake in a year; the persons that I said I had worked for in the year 1802, I worked for them in the year 1803 and 1804.

Mr. Alley. (to Mr. justice Nares) Was that the mistake. *A.* They said he had not worked at all for them in 1802, he had worked for them in different years.

THOMAS WALKER.—*Mr. Gleed.* What are you.—*A.* I am clerk to Mr. Rhodes, he lives in Hampstead road.

Court. Are you going through all these persons that the prisoner Holloway said he worked with in November 1802; not one of these facts goes to confirm the accomplice.

Mr. Gleed. I will just ask this one witness—you say you live with Mr. Rhodes.—*A.* Yes.

Q. Do you know the person of the prisoner Holloway. *A.* Yes.

Q. In the month of November 1802 did he work for Mr. Rhodes.—*A.* He came to work for us in September 1803, he continued working for us until the 3d of March 1804.

DANIEL BISHOP.—*Mr. Alley.* You are an officer of [illegible] in street.—*A.* I am.

Mr. Andrews. I object to this sort of evidence being given by the officer, which he had overheard previous to their examination before the magistrate, on the ground of its imperfections; this is conversation passing between two men in different apartments, not arising from questions being put to them, but in such a situation as they did not know they were overheard by the officers. Now, my lord, here is a question of great difficulty arises, because the officers could not hear all that was said, although they were listening to their accidental conversation; and the distance the officers were to them, and they in separate strong rooms, the very nature of which makes it utterly impossible of hearing all they said, but only of catching a something that led to no subject, and as they could not hear all that passed between them, this something may be construed into any thing besides the true purport and meaning of what was said by those persons; besides, the officers all of them have a very great zeal for the purpose of which they are employed, and all of them at the same time have an extreme eagerness to partake of the reward that is offered for the conviction of offenders, and therefore their minds are prejudiced to the case. I have therefore thought it my duty to call upon the court, that this should not be given in evidence.

Court. All these observations of the counsel of the zeal and the inaccuracy of the officers in overhearing what the prisoners were conversing upon, amounts to nothing; what they heard only goes to prove what they have denied (whether it may be proper or not that is another thing); but all whatever a person has said, unless extorted by threats, or obtained by promises, is to be received in evidence.

Mr. Alley. (*to Bishop*) Do you remember the different times upon which these men have been examined.—*A.* I do.

Q. After each day's examination, were they confined in two separate lock up rooms.—*A.* Yes.

Court. How often were they examined.—*A.* Seven different times.

Q. When were they taken before the magistrate.—*A.* The first time was the 8th of December; both of them were taken before the magistrate.

Q. Were they examined all together.—*A.* Both together.

Mr. Alley. These conversations were between each examination,—*A.* They were.

Q. You ſay that after the examinations they were confined to different lock up rooms, deſcribe what ſort of rooms they were.—*A.* There is a ſtrong partition of ſtrong quartering between them, and over that iron plate; they are behind the office.

Mr. Andrews. What are you ſpeaking from.—*A.* The paper which I have in my hand, I wrote it with my own hand.

Q. That is not the original.—*A.* I have the original in my pocket.

Court. Then take that, that is the beſt to refreſh your memory. Where was your ſituation when you heard them.—*A.* I was put in the privy, within four foot of the lock up room.

Q. Could you hear what they ſaid in the lock up room. *A.* When they ſpoke loud enough.

Mr. Alley. Was there any other perſon confined there.—No.

Q. Then the converſation that you heard muſt be the converſation between the two priſoners.—*A.* It was.

CONVERSATION

On the 8th of December 1806.

Holloway. Owen, are you there; I never heard ſuch a man in my life.

Haggerty. Did you tell them you know'd me.—Holloway. I denied it entirely, I told the juſtice's I never was in his company in my life. I was aſtoniſhed when they come to take me. I told them I never was on Hounſlow heath in my life.

Haggerty. So did I. Have you got any money—Holloway. No.

Haggerty. I will pay for any thing for you—Holloway. I thank you Owen.

Haggerty. I told them I know nothing of you.—Holloway. They will not take his evidence. I thought you had been ſaying ſomething.

Haggerty. I do not know what day of the month it was.

Holloway. It is two years ſince I have ſeen you, where have you been.—Haggerty. I have been in the Weſt Indies. I told them I had never ſeen you.

Holloway. He told them about public houſes, where we had been, but they can't tell who comes in, or who goes out in the courſe of a day.

Biſhop. That is the end of the firſt converſation; the next examination was on the tenth.

Mr. Alley. I do not think that is important.

Mr. Andrews. Pray read a part of the tenth.

Mr. Alley. Begin with the tenth.

CONVERSATION

On the 10th of December.

Haggerty. What a villain that muſt be.

Holloway.—It will be of no uſe now. I wonder where they got that hat and ſhoes, they wont fit me. They wont take his evidence; you ſee they wont now.

Haggerty. It is not fit they ſhould.

Holloway. What a villain! Mac Daniel ſaid he ſaw you and him drinking together. I dont think they much approve of his evidence now, we ſhall have a good many hearings yet.

Haggerty. Where are the officers gone now.

Holloway. I do not know. They asked him if that was the ſtick; I ſuppoſe the bloody villain will ſwear it; what a gallows rogue.

Haggerty. They can't do nothing in it now.

Holloway. They wont take his evidence now; if I had wore half boots I ſhould have left them behind.

Haggerty. Aye, to be ſure.

Holloway. It will be of no uſe what he ſays, and they think they have found out ſomething.

Haggerty. The murder was done four years ago, and he ſays he was in the Houſe of Correction; how ſhould he know any thing about it.

Holloway. No man can give a better account of himſelf than I do, can they. This job will not be ſettled yet.

Haggerty. Did you work for Stedman this time four years.—*Holloway.* To be ſure I did, I worked for him eighteen months; I dont think they much agree in what he ſays.

Haggerty. They never asked me much questions at all.

Holloway. But they will before they have done with you. It is four years ago when I worked at Watford for Davis and Barker for five months; he is a gallows rogue; if I was at Stedman's at the time, we never ſhut up ſhop before twelve or one; for it ſeems to hang that way a good deal.

Haggerty. And was not you there.

Holloway. Yes, I was, and that will clear me. The justice asked him if he knew where I worked at that time, he did not know. He be damned, they can't do nothing I see. I am more satisfied with this hearing than I was with the last, an't you.—*Haggerty.* Yes I am.

Holloway. I think he will bring himself in it at last, if he don't mind. Oh Lord; he will be found out in a hundred lies; what a stick he has got, good Lord.

Haggerty. If they thought his evidence was sufficient, they would have committed us before now. I don't see any of the friends belonging to him come forward.

Holloway. They won't take his evidence before the magistrate at all, I don't think that any thing that he has said is of any use.—*Haggerty.* No.

Holloway. I will see if I can't get a bit of writing paper; he has contradicted to day a good deal.

Haggerty. Yes, he has.

Holloway. I was a good mind to tell Hanfield it would all fall on himself.

Haggerty. No, never mind that. He has deserted from the Tower Hamlets several times.

Holloway. Why had not you told him that.

Haggerty. No, I denied him.

Holloway. His word wont be taken; what is he to hang people? for you know more about these things than I do; they will be at a great deal of expence about the business. I suppose they in the office are some of Mr. Steele's friends—I wont nor can't know any thing about it. I would not give an halfpenny for an evidence, for they can't do any thing without people come forward; what a pair of shoes they brought; if one is cleared we shall both get clear, he ought to know what clothes I had if he was with me.

Haggerty. Where is it you told them you saw me.—*Holloway.* At the top of Dyot street, you know I must say somewhere thereabouts. There is no proof of any thing yet, nor there won't be none; which way did he say we came over the back fields.—*Haggerty.* I don't know.

Holloway. I never saw such a stick in my life as he has brought, I have got a hat at home now I had in 1802.

Haggerty. What sort of man is Mr. Stedman. Is he a good man, did he like you.—*Holloway.* Yes, he did.

Haggerty. Was it in the winter you worked for him.—*Holloway.* It was.

Mr. Alley. Now the converſation on the 15th of December.

Hag. Any body there but yourſelf.—*Hol.* No.

Hag. What do you think of it now.—*Hol.* I don't know.

Hag. Did you hear him ſwear I knocked him down.—*Hol.* No; I don't mind it of a halfpenny, they may all kiss my a—e. They wont mind what Old Red-noſe ſaid; it is all dickey.

Hag. Did Hanfield ſay we took the body and buried it any where.—*Hol.* He did not ſay ſuch a word as I heard.

Hol. It was done in November.—*Hol.* Yes.

Hol. (*Singing a ſea ſong.*) That Red-noſe old thief ſaid he ſaw me at Hounslow; they ſhall never do me in a thouſand years.

Mr. Alley. (*to Biſhop.*) The beadle of Hounslow (the gentleman with the red noſe) was examined on that day.—*A.* He was.

Hol. Where is the man you worked for at Hounſlow.—*Hag.* I never worked at Hounſlow.

Hol. I have got a good ſtory to tell them but ſaid but little—all his ſwearing won't frighten me.

Hag. Don't you know what maſter you worked for.—*Hol.* I worked for Dove—they all know you, the traps.

Hag. That's being ſo much about.

Hol. The old beadle ſaid afterwards he did not know me, for I never work'd where they ſaid, they may laugh and ſwear as much about Hounſlow as they pleaſe, but I don't know nothing about Hounſlow; we ſhall have more hearings yet. Who the hell does he ſuppoſe to frighten, if they keep me locked up for a hundred years it is of no uſe, they ſay I am honeſter than you, for you denied him.—*Hag.* I know him; what clothes did he ſay I had on, a great coat.

Hol. Yes; if he don't die for it I will be ſhot. I know that beadle told them what clothes I wore, or they would never have known it, I was there but once over in Surry.

Hag. Next Monday it will be either one thing or the other.—*Hol.* Yes.

Hag. Oh lord! what do you think of it now? there is none of them can ſwear they ſaw us together at the time; if one is done all is done.

Hol. What all three.—*Hag.* Yes.

Hol. It is all nothing; if people come from the Bell

Hounſlow it is the ſame, they don't know us. I know'd they could not ſwear before they come, all is of no uſe, I don't mind not a halfpenny for being lock'd up ſo, I carries too good a face to be daunted on this ſuit, I am not afraid of ſuffering for it.

Hag. Nor I, for I have been very ill, but I am better now.

Hol. It wont be ſettled next Monday, I think.—*Hag.* Do you think not—how come you to think that.

Hol. I do not know, how it is to be ſettled when there is no evidences.—*Hag.* I do not know.

CONVERSATION

On the 22nd of December.

Hag. What did they ſay to you.

Hol. There is ſtrong information come againſt me from Kentiſh town. The magiſtrate told me there is nobody there that knows us at all. You know that old beadle, don't you.—*Hag.* Yes. I like it very well.

Hol. So do I better than ever I did, there is nether of us will ſuffer for it, he has not got his pardon yet; nor won't have it.—*Hag.* No.

Hol. They bother'd me ſo I was a good mind to tell them they might find out where I worked, I told Armſtrong I was always ſinging where I was, it an't as they wiſh it nor won't be; there is nobody comes forward to ſay what he does, ten to one if he an't tried for it at laſt.—*Hag.* I hope to God he will.

Hol. I laugh always, I don't know whether you do.

Hag. How did I look when I was in.—*Hol.* I don'tknow. The people will be tired of coming, it is all nothing at all.

Hag. It is all right now.

Hol. I wonder what they think now. I ſuppoſe they conſult together while we are out, I wonder why they did not examine private to day, I think it will be knocked off very ſoon, I am damned if they won't clear all Hounſlow, we ſhall be turned up and I will ſatisfy you for all.

Hag. You never had a better pal in your life than I am. —*Hol.* No. I never was there but that year; that red noſed old ram was quite behind to day; as to you, you have acted very well, I told them, I could not anſwer for you, I don't care who knows me ſo as they don't bring me in it. I know very well they think we are innocent; it runs in my head, he ſtands the worſt chance, they an't ſaisfied now about him,

Hag. No counſel will come for one guinea.—*Hol.* No, they won't, we ſhan't be fully committed.

Hag. He knows the law ſo well he muſt either commit or acquit us.

Hol. I can't think were all them things come from, the hat and bludgeon. (*Singing a ſea ſong.*) Where have you been.—*Hag.* To the magiſtrate.

Hol. What about B——r them all of a heap, I ſay, I would ſooner be in the middle of hell flames than be here, there is never noboby locked up here but you and I, I wonder where they put them.—*Hag.* I don't know, it is all right now, I can ſee that well, what do you think of it now.

Hol. I don't know.

Hag. They are getting very cool upon it I can ſee that, —*Hol.* An't they

Hag. Here's luck I wiſh you as much harm I do myſelf, why don't you gammon to be ill.—*Hol.* I would not care a damn for them if I had theſe irons off.

Hag. He asked me were I worked, I would not tell him, I worked at Gardner's near Bow ſtreet, and he has run away ſince. I can tell the very day and hour where I worked.

CONVERSATION

On the 26th of December.

Hol. How do you get on.

Hag. What do you think of it now. We are not committed yet.

Hol. I don't care a damn about it.

Hag. He ſpeaks quite different about it to what he did the firſt time.—*Hol.* He does; I wonder what the juſtice thinks of it.

Hag. I do not know, his evidence will never do; did not he mention that the ſhoes was yours at firſt..—*Hol.* Yes.

Hag. What ſort of a head is yours, big or little.

Hol. Big. Mr. Hanfield is a very nice man, ant he.

Hag. Yes, they put words into his mouth.

Hol. He could not tell about a good many things, he ſaid he was not ſure; we ſhant be commited yet a while; it is read over to us to ſee how we looked.—*Hag.* Yes.

Hol. He ſaid you and I ſtopped behind and he went forward.—*Hag.* Yes.

Hol. I thought there would be ſome people here to day, did not you.—*Hag.* So did I.

Hol Juſtice Nares does not know what to think about it now.—*Hag.* No.

Hol. You have been robbing with him he ſays.—*Hag.* They cant prove it.

Hol. He is the man that will anſwer for it all. What was that bludgeon brought for. That made him a liar, I can produce a hat I wore in 1802 if I like at home. It is very odd he did not know what things he wore, I think.—*Hag.* Yes

Hol. He did not know what money he took from the bloody villain; that gentleman's ſervant behind was with the bricklayer that found him, I ſuppoſe he is going to be examined, ten to one if he don't ſay ſomething contrary.

Hag. Dont make ſuch a talking.

Hol. I ſhall tie my handkerchief round my head and gammon ſick.

Hag. But not before the traps, for they will put them down.

Hol. If I get commited for this job, I will have a councel; I will have Alley; that is very well in there, but it wont do any where elſe; it ant very ſeldom you hear of ſuch a job as this from a fellow that is tranſported; they ſent for us to day, to ſee what they thought of us; his word ant worth one halfpenny, if I was before the lord judge of England, I ſhould not be afraid of getting clear, lord it is all nonſenſe.—*Hag.* He muſt know the day of the month, and every thing elſe when he comes there.

Hol. Yes, I do not ſee why we ſhould be commited upon his evidence.—*Hag.* Nor I neither, you mark my word if he has not ſomebody to back his evidence they won't find a bill.—*Hol.* No.

Hag. I know where I worked every day in November. I know the very ſtreet and houſe, but it is no uſe talking here about it.

Hol. It is all nothing at all.—*Hag.* Yes. I dont ſee why we ſhould be committed upon his evidence.

Hol. It is a very wrong thing if they let him ſwear at the Old Bailey.

Hag. Where is it he ſaid we parted with him.—*A.* At Hounſlow.

Hol. Where did he ſay we had the gin.—*Hag.* At the Black horſe.

Hag. We muſt have had the gin there.

CONVERSATION
On the 5th of February 1807.

Hag. What do you think of it now, we muſt cheer up, never mind.—*A. Hol.* I don't know.

Hag. Never mind Holloway, we ſhall get turned up by and bye.

Hol. But I don't like it much.

Hag. Well Holloway, my boy, are you aſleep, don't caſt yourſelf down.—*Hol.* No, he is a d——d raſcal.

Hag. I wonder what is their notion for keeping us here ſo long before we go before the magiſtrate.—*Hol.* They don't know what to do, they can't make head nor tale of his ſtory.

Hag. The beſt way for us is to inſiſt upon being diſcharged or fully committed this time.—*Hol.* Yes.—What do you think of that fellow.

Hag. I don't know.

Hol. What do you think of it now, they dare not commit us now.—*Hag.* No.

Hol. That fellow's confeſſion has done him.—*Hag.* Yes. (*Both ſinging a ſong.*)

CONVERSATION

On the 9th of February 1807.

Hag. We ſhall go to Newgate now.

Hol. Hanfield has got his diſcharge, I muſt get a counſel; I ſuppoſe we ſhall go together to Newgate.

Hag. They have caught him out in a good many lies.

Hol. I ſhould not wonder if they do not find a bill, he is a d——d villain. Knapp is a d——d good one, he will bother ſome of them; Beale's will do more harm than good. I do not know about old Macdaniel, he is a very honeſt man.

Mr. Andrews. (*to Biſhop*) How could you diſtinguiſh the voice of one from another.—*A.* I knew which rooms they were in.

Q. You were four feet diſtant from them, and the partition you ſay is ſtrong quartering, with iron plate upon it. *A.* In the privy that I ſat in there were two panes of glaſs out of the top.

Q. There was ſome converſation that you could not hear. *A.* Of courſe I did not take it down.

JOHN ARMSTRONG.—*Mr. Gurney.* You have a hat in your hand, from whom did you receive it.—*A.* I received it from the hand of Mr. Humphries, on Thurſday the 5th of February, in the preſence of the priſoners.

Q. Was Mr. Manby there at the time.—*A.* I did not know Mr. Manby at that time.

MR. CHARLES HUMPHRIES.—*Mr. Gurney.* From whom did you receive that hat.—*A.* From Mr. Manby.

Q. Was that hat put on either of the priſoner's heads at the office.—*A.* It was put on the head of Holloway, the ſtout man.

Q. How was it with reſpect to fitting of him.—*A.* It went quite down on the man's head at the time Armſtrong put it on.

Court. Was it put on any other man's head at the office.

Mr. Gurney. This was done only to ſhew that it would fit him.

Court. And it would fit any other head of the ſame dimenſions.

Mr. Gurney. (*to Mr. Manby*) Did you bring that hat to the police office.—*A.* Yes.

Q Was that one of the late Mr. Steele's hats.—*A.* Yes, it is one that he had wore a good while, and the lining is out, and it is rather larger by being without the lining, and much worn by ſome other perſon; it is a hat of Mr. Steele's.

WILLIAM ROBINSON.—*Mr. Gleed.* You are a hatter.—*A.* Yes.

Q. You were a hatter to the late Mr. Steele.—*A.* I only made him one hat.

Q. Do you recollect the ſize and dimenſion of Mr. Steele's hat.—*A.* Perfectly well, I ſold him a hat in March 1802.

Q. We are informed that the priſoner Holloway had this hat put on him; would the hat of Mr. Steele fit the priſoner Holloway.—*A.* I recollect the ſize of Mr. Steele's hat, I ſhould have thought it would have fitted him tight.

Cross-examined by Mr. Andrews. How many years is it ago ſince you ſold Mr. Steele a hat.—*A.* In March 1802.

Q. You never ſold him but one.—*A.* No.

Q. Can you remember from March 1802, what the ſize of Mr. Steele's hat or head muſt be.—*A.* Whenever I enter a gentleman's name in the book, I always put the ſize in the margin.

Q. This hat is rather larger than Mr. Steele's, you ſay it is an old hat.—*A.* That is the natural conſequence of a hat being much worn.

WILLIAM BRITTEN.—*Mr Gurney.* I believe you made boots and ſhoes for the late Mr. Steele.—*A.* I did.

Q. Have you examined the ſize of the priſoner Haggerty's leg and foot.—*A.* I have.

Q. Are you able to say whether he could have worn Mr. Steele's boots.— *A.* I believe he might.

Q. Have the goodneſs to look to an old pair of ſhoes there, do they appear to have been worn by a perſon that they fitted, or that they had not fitted.—*A.* They appear to have been worn by a perſon that they were too long for.

Q. Have you compared them with the feet of Haggerty. *A.* I have looked at theſe ſhoes, and I have looked at Haggerty's feet; they would be too long for Haggerty, I believe.

Croſs examined by Mr. Andrews. There is no doubt, ſir, that a ſhoe of a large man would ſuit a little foot.— *A.* They might wear them.

Q. Will you point out how you know that ſhoe has been worn by a perſon for whom it was too long—*A.* By the toe not coming to the end, the toe is turned up, and the going in of the heel at the bottom.

Mr. Gurney. This is the whole of the evidence on the part of the proſecution,

Court. There is no evidence that Haggerty wore the boots, no boots whatever were found, only a pair of ſhoes.

Holloway's Defence. Pleaſe you my lord, I am brought here by the word of Hanfield, who is an entire ſtranger to me, pleaſe you my lord; I do not know any thing of the man whatever, I have ſeen the man in the ſtreets, and that is all I know of him; and I think it very odd when he gave information of me, which was the cauſe of my being taken up, that he could not give the right name, which certainly he would have done if he knew any thing of me, my lord.

Haggerty's Defence. My lord and gentlemen of the jury, I ſtand here now a priſoner, I ſtand charged with an offence of which I know no more than a child unborn, although I ſtand here for it. I hope you will take it into conſideration the former character of the witneſs Hanfield, who merely for the ſake of getting his liberty, he has done all this and nothing elſe. I am perfectly innocent of the crime that I am charged with; it is clear and evident that he has contradicted himſelf in ſeveral places. When he was examined before Mr. Juſtice Nares, Mr. Juſtice Nares asked him what ſort of a night it was, and what ſort of clothes Mr. Steele wore; he replied it was a dark night, and he ſaid he could not inform him of the colour of his clothes. My lord and gentlemen, Mr. Juſtice Nares is here, and he will inform you of the ſame.

Court. Would you have me ask Mr. Nares.—*A.* If you pleaſe my lord.

Q. (*to Mr. Juſtice Nares*) I am called upon by the priſoner to ask you whether Hanfield in the different examinations contradicted his account that he has given here, with reſpect to the night whether it was dark or not.—*A.* No further than he has ſaid here that there was a cloud over the moon, it was dark at the time.

Haggerty. Upon the ſecond examination there was a ſtick brought forth and a pair of ſhoes, and when the ſtick was taken up Mr. Juſtice Nares asked him if he knew any thing of that ſtick; he ſaid yes, that was the ſtick; likewiſe the ſhoes were held up, he ſaid them were the ſhoes that Holloway had; Mr. Juſtice Nares ſaid to him, I thought you told me that Holloway wore high ſhoes, he replied no, he did not. Holloway ſaid he never knew the ſtick. Mr. Juſtice Nares asked him if he knew any thing of the ſhoes, Oliver told him he knew nothing of the ſhoes, he never wore ſuch ſhoes, that was very well. Upon the third examination Mr. Juſtice Nares examined the witneſs Hanfield again; he was asked with reſpect to what clothes he wore, and likewiſe his ſhoes, he told them that he ſuppoſed the ſhoes belonged to Haggerty, he ſaid in reply as they will not fit Oliver, I ſuppoſe that they belonged to Haggerty.

Mr. Juſtice Nares. Hanfield denied knowing any thing of the ſtick

Haggerty. Upon the third examination you asked him again, what ſort of a ſtick it was that Oliver had, he made reply, a black-thorn ſtick; upon his firſt examination he ſaid that was the ſtick.

Mr. Juſtice Nares. My recollection ſerves me ſo well, I deny what he ſays about the ſtick.

JOHN SHUTER.—*Mr. Andrews.* Do you know Hanfield.—*A.* Yes.

Q. You are one of the head turnkeys of the jail.—*A.* I am one of the head turnkeys.

Q. Do you remember Hanfield being in your cuſtody in this gaol.—*A.* Yes, very well.

Q. Did you at any time have any converſation with Hanfield.—*A.* Yes.

Q. Did he ever make any confeſſion to you.—*A.* We never had any converſation about this.

Q. Do you know any thing about his confeſſing any burglary, or any other crime for any purpoſe.—*A.* He never confeſſed to me.

Gentlemen of the Jury.

The two prisoners at the bar, John Holloway and Owen Haggerty, stand indicted for the wilfull murder of a person of the name of John Cole Steele, charged to be committed on the 6th of November 1802; there are different counts in the indictment; one of the counts is charging the murder to have been done by blows, which had been given him on the head, and another count charging the death of of this person to be occasioned by a leather strap tied round his throat; these different counts are for the purpose of stating the manner in which the murder was committed.

Gentlemen, before I state to you the particular evidence which has been given in support of the charge, I think it is perfectly clear by the evidence which has been gone through, and to which there is no contradiction, that this person, Mr. Steele, charged in this indictment to have been murdered, did come by his death by violence, between the 5th of November and the 8th, and most probably that he came by his death on the 6th of November, because it is clear that he left his house in London on the 5th of November, and that he quitted the house at Feltham, the other side of Hounslow, for the purpose of returning to town on the 6th of November, from which time nothing was heard of him till the body was found on the Wednesday following; and therefore, he having been seen and spoke with by a witness when he quitted his house in London, and afterwards having been seen and spoke with by a witness, who has also been examined, when he left his house at Feltham, and never arrived in town, it seems clear that he met with his death after that time; and it seems to be evident by those who found the body, that he met with his death by violence, and that death was occasioned by the wounds which had been given by the blows upon the head; yet the surgeon has said that the strap which was tied round his throat would have been sufficient to have caused his death by suffocation; and the only question now in your enquiry is, who the persons are that were the cause of his death, by inflicting that violence upon him.

You have had before you one man who has said he was one of the persons concerned in that transaction; yet, according to his account he was not the person that inflicted the blows nor tied the strap, and yet according to his own confession, he was guilty of the murder; he was assisting while

the others were robbing and giving the blows, and acted with them; and this act was the act of his, although his was not the hand that inflicted the violence, yet he was aiding and abetting them in the transaction. Therefore, gentlemen, your only enquiry is whether the prisoners at the bar, or either of them, were parties concerned with that man that you have heard of the name of Hanfield—that Hanfield is not only a bad man implicated in this fact, according to his own account, as well as from that which has been adduced in evidence, which was necessary to make him a competent witness; he has acknowledged that he lived by thieving, led an abandoned and wicked life, and has been convicted in this very place, that he was under the sentence of transportation, and a pardon has been obtained to do away that, otherwise he would have been incompetent to stand here as a witness. I mention this to shew that he is a person that upon his single testimony, if you could not find any other circumstance in the case that would corroborate his testimony, you would not think it safe to rely upon him alone, with respect to the life or death of the persons now at the bar. It will be necessary for us to go through the whole of this evidence, to see how far you can find satisfactory evidence to corroborate that evidence which Hanfield has given before you. He is now a competent witness, having been restored by a pardon; at the same time he is a witness who is to be received with caution and jealousy, and you will see how far you can rely upon his testimony.

Gentlemen, having stated these few observations in the outset, to that which is truly the only question in the trial, the first evidence was to prove the death of Mr. Steele, and what was the occasion of his death; to prove which they have called in the outset the brother in law of Mr. Steele. Mr. Meyer tells you that the deceased lived in Catherine street in the Strand, and that he had a small house at Feltham, that he had a plantation there for lavender, that he had some works going on there, that he was either building or altering his house, that on Friday the 5th of November, 1802, he left his house in Catherine street; from that time they saw nor heard no more of him—that he not having returned by Wednesday morning, this Mr. Meyer went to Feltham, the other side of Hounslow, for the purpose of making an enquiry, and finding when he had got there (according to the next witness produced before you) that he had left that house on the evening of Saturday the sixth

of November, they made further enquiry, he ſays, and they went to the barracks for getting ſome aſſiſtance for examining the road, that he at firſt diſcovered the great coat on the left hand ſide of the road going from London, that that was the ſame ſide of the road his houſe was at Feltham, that it was in a gravel pit, the ſituation of which with reſpect to the road was about ten or fifteen yards from the road. After making this ſearch ſome other perſons diſcovered where the body of Mr. Steele lay which was of the oppoſite ſide of the road, about two hundred yards from the road, and about four hundred yards from the barracks, there they firſt diſcovered the body of Mr. Steele to lay.

He ſays then a perſon of the name of Henry Manby brought him a hat; when he had picked it up, and ſomewhere near the ſpot where the hat was found, he picked up ſome of the pieces—he proves this other fact that Mr. Steele was in the habit of writing his name as well in his hat as in the boots, ſhoes and other of his clothes; he has likewiſe added that a reward of fifty pounds was offered for apprehending the perpretators of this murder.

The next witneſs is Mr. Manby, he is the perſon that found the hat and the coat; he ſays that he himſelf lived at Feltham, and was at that time ſuperintending the works of Mr. Steele at Feltham; he ſays that on Saturday the 6th of November, as near ſeven o'clock as poſſible, that Mr. Steele left his houſe at Feltham, he deſcribes his dreſs, a light coloured great coat, a pair of half boots, and a round hat, not worn a great while; he did not know that Mr. Steele had any great property about him, that he took but twenty ſix ſhillings only with him, that Mr. Manby was in the habit of paying the workmen, that on the brother in law coming down to the houſe they made a ſearch on Hounſlow heath; that on one of the witneſſes going from Feltham, on the right hand ſide of the road, deſcribed by the other the left hand from London, that about that ſide of the road near the third clump of trees, he picked up an old hat, and there were ſome bits of hat found near the ſpot—he brought the hat, and the pieces of hat, to the brother in law of the deceaſed, Mr. Meyer; that he took up in the gravel pits a great coat from under the water where the flags grew, he thinks it was Mr. Steel's great coat Indeed he ſays he knew it well, having ſeen it often. After having found theſe things they croſſed the road to the other ſide, they went to the barracks where

they got further assistance, to search—he was not the person who immediately found the body.

Mr. Hughes tells you he found the body in a ditch at the back part of the bank, that the flap of the coat was coverd over his face, the body was laying on the back, and there was a leather strap pulled very tight round the neck, and there appeared a violent blow upon the back part of the head; he did not observe whether there was any wound on the fore part of the face, being very bloody when the body was found; he saw all these articles picked up near the spot where the body was found. He then says that the body of Mr. Steele, when it was found, it had no shoes upon it, nor no hat, and that was the same body which was afterwards inspected by the surgeon when the coroner held the inquisition.

The next witness is Mr Frogley the surgeon; he tells you he saw the body at Hounslow the day after it was found, that on examining the head he found a large fracture on the front part of the head, with a large laceration of the integuments, which appeared to have been given by a stick or some blunt instrument; there was also a laceration of the integuments of the head, on the back part of the head, that not only was the cause of his death—but the application of that leathern strap, which was tied round his throat very tight, alone would have produced suffocation—there was also a large blow on the right arm that appeared to have been done by a stick or some blunt instrument, that he looked at it once, the day after the body was found, and afterwards when the coroner's jury was held; that his decided opinion was that this persons death was occasioned by the blow upon the head; so that this witness was sufficient to prove that this person did come by his death by violence in the manner stated to you.

Gentlemen, The next witness called is a person of the name of Hanfield, who states himself to have been convicted of larceny, and who had sentence past upon him for that offence, and who has obtained a pardon for that offence; the punishment of which he was then undergoing, would render him incompetent to have stood a witness here, it does not pardon him of any other offence, he stands still in the same situation of a person, who would be just in the same situation as the prisoners at the bar; the account that he gives is, he says that he has been acquainted with the prisoner Haggerty eight or nine years, Holloway six or seven years, and that he had been a good deal in their company,

particularly at the Turk's head and the Black horſe public houſes in Dyot ſtreet, and ſometimes at the Black dog which is the corner of Belton ſtreet; he then gives a particular account of the tranſaction, he ſays that in the beginning of the month of November 1802, firſt of all Holloway came to him while he was at the Turk's head in Dyot ſtreet, and asked him if he had any objection of being in a good thing, the meaniug of which he underſtood very well—it appears from his own account he ſaid he had no objection—the man who propoſed it to him was Holloway; he ſays that he asked him when and where, he replied it was *low toby*, meaning a footpad robbery, and told them he would tell them more about it in a day or two. The next day but one afterwards he ſays he saw Holloway in the ſtreet, he asked him when it would be, he appointed to meet him on Saturday morning the 6th of November; he asked him who was to be of the party he ſaid Owen Haggerty. That on Saturday morning Owen Haggerty and Holloway met him at the Black horſe, they told him it was to ſerve a gentleman (which is a term that he explains to rob a gentleman) on Hounſlow heath, he ſays that they had ſome liquor at the Black horſe, but he does not know what liquor it was. That about the middle of that day on Saturday they went on towards Hounſlow till they came to a public houſe on Turnham geeen, where they ſtopped and had ſome porter; from there they ſet off to Hounſlow, and at the Bell he believes it to be, they ſtopped there till paſt four o'clock, and then they went on, going the road to Belſont from Hounſlow, till they came near the eleven mile ſtone, where they all ſaid they hoped they ſhould get a good booty. Holloway ſaid when they got to that ſpot, that was the mark, but he thought it was too early. They hid themſelves under ſome trees on the left hand ſide of the road, and waited there better than an hour, he concludes it to be; having no watch he only gueſſes it—he ſays it was dark when they went there, but after waiting there the moon had riſen, they went out from there, walked about, and went back again; the moon was then obſcure, it was up.

Holloway ſaid, he thought he heard the footſteps of ſome perſon coming, and preſently after they ſaw a figure of a man coming, which appeared to them to be a man coming towards Hounſlow, the London way; he ſays at that time he was on the right hand ſide of the road going to London to Hounſlow, and that he was then walking on the

foot path; that on their coming up to him, he, Hanfield, ordered the man to ſtop, the gentleman accordingly ſtopped, upon that Holloway went behind this gentleman, that they met, that the gentleman ſeemed to have on a light coloured coat, that the witneſs Hanfield ordered him to deliver his money; the perſon ſaid he would deliver his money up, and hoped they would not uſe him ill, that Haggerty ſtood between him and the perſon they robbed; the deceaſed put his hand into his pocket and gave Haggerty ſomething, but what he did not know; then Holloway asked whether he had delivered his book, upon that the witneſs Hanfield asked for the book, the perſon ſaid he had none; Holloway perſiſted in ſaying that he had a book, and perſiſted in ſaying that if he did not deliver it he would knock him down. The deceaſed replied that he had not got a book, upon which Holloway knocked him down with a ſtick that he, Holloway, had in his hand; upon that the witneſs Hanfield took hold of the gentleman's legs, and Holloway ſtood at his head, declaring that if he made any reſiſtance he would knock out his brains. While he was laying in this ſituation, the witneſs ſaw that Haggerty proceeded to ſearch him, he made ſome reſiſtance, and endeavoured to get up; he even ſtruggled ſo hard that he had nearly croſſed the road from the place where he was at firſt, that the perſon they were ſo robbing cried out violently, and at that time the ſound of a carriage came; upon which Holloway ſaid, take care, I will ſilence him, and Holloway gave him ſeveral ſevere blows upon his head and his body, he ſays it was with a large black thorn ſtick that Holloway had.—Gentlemen, that is the account that is given by this witneſs, Hanfield. According to his account, he was the perſon that ſtopped him, demanding his money at the ſame time, and he was aſſiſting while they rifled his pockets, and when Holloway ſtood behind him firſt, knocking him down, and afterwards giving him other blows, when the carriage came near on the road; the man then gave a very heavy groan, and preſently after he gave another groan, and then he ſtretched himſelf out lifeleſs, that he was alarmed for his own ſafety, having hold of the man's legs, got up, and ſaid, John you have killed the man; he, Holloway, ſaid no, he was only ſtunned. The witneſs told him he could ſtay no longer, with that he came away, leaving the two priſoners with the man that was knocked down, and which he believed was dead; he ſays that the carriage went by at the time the perſon groaned, he cannot ſay what it was, it did not ſound like a waggon, but like a night coach. So that according to his account, this perſon, after they had knocked him down, muſt have dragged himſelf, or have been dragged,

by his ſtruggling, to the other ſide of the road, that he by means of this ſtruggling, and having been dragged by them, ſhould have got acroſs the road, thirty yards, from one ſide of the road to the other—he ſays he retreated near to the end of the town, near the Bell public houſe, and waited there near an hour, at that place, that is near the Bath road. That the place where this robbery took place was at a part of Hounſlow road beyond the barracks, and the oppoſite ſide of the road, that he has ſince pointed out the ſpot to the officer and Mr. Hughes. That after waiting at the end of Hounſlow town the two priſoners came up to him, as if they were out of breath. Holloway ſaid to him they had done the trick, upon which Hanfield asked him if he was in earneſt; Holloway told him he was, and as a token he put a hat into his hand—he ſays that the hat felt better than that hat which Holloway went to Hounſlow with—he returned the hat to Holloway, and ſaid it was a cruel piece of buſineſs, and he was ſorry he had any hand in it—that Holloway ſaid he had left his hat behind him and he had ſerved it—he ſays he does not know what was taken from the perſon of Mr. Steele—he deſcribes the way they came to town, which is not material, that at one place they went out of the road, and came into the road again—that on coming to town, he, Hanfield, asked them whether they had got the book, Holloway replied it was nothing to him, as he had not ſhared in the danger he ſhould not ſhare in the plunder—he ſays that when they came to the Black horſe in Dyot ſtreet they drank half a pint of gin and they parted—he ſays that when they went upon this buſineſs Haggerty went out in his ſhoes, and that he ſaid at the time his ſhoes were ſo old he did not think they would laſt him to walk there. The next day he ſaw Holloway and Haggerty in the ſtreet; he ſays that Holloway had a better hat on than he had before, it ſeemed to be too ſmall for him, he asked him if it was the hat that he had got the night before, Holloway ſaid it was. Then he is asked as to what dreſs the priſoners wore, he ſays, Holloway had on a ſmock frock and an old hat; he ſays that whenever he was at work, he worked at labourer's work. Haggerty's dreſs was a velveteen jacket, a ſwanſdown waiſcoat, and velveteen breeches, he was a bricklayer's or plaiſterer's labourer, and ſometimes when at work, he wore a pair of blue trowſers. Then he ſays that they met again on the next day, which was Monday, Holloway had the ſame hat on he had the day before; he told him he acted improper in wearing the hat, it might lead to a diſcovery, he deſired him to get it done away with, he, Hanfield ſays he ſaw the inſide of the hat, in the lining was the name of Steele; he pointed out to him the danger of keeping that hat, that Oliver

upon that ſaid, he would take the lining out, then the name would not appear; that Hanfield told him there might be ſome mark about the band or the buckle, therefore he adviſed them to get rid of it entirely; then Holloway ſaid he would meet him in two or three hours; accordingly he came in the evening, then Holloway had another hat on, not that good hat he had on in the morning; he had ſomething in a handkerchief, which he underſtood was the hat he had worn, he obſerved to Holloway he had better throw the hat over the bridge; they filled the hat with ſtones and threw it over Weſtminſter bridge; that hat has never been ſeen any more; he ſays after that he had no further communication with them.

Gentlemen, this is the account that he gives of the tranſaction of that evening—ſo far the account that he gives of it is a clear one, that he himſelf (whoever elſe was with him) was concerned in this robbery and murder, which took place in November 1802. Then he gives this further account, that in September ſeſſions, in the year 1806, nearly four years after this robbery was committed; he, Hanfield, was tried at this place and convicted—for this he was ſentenced to ſeven years tranſportation; in conſequence of that, after being ſome time in Newgate, he was removed to Langſton harbour. He ſays that Vickery the officer came down and brought him to town by the Goſport coach, he ſays that as he came near Hounslow, he pointed to the ſpot, to ſhew Vickery the place were the man met with the murder, that Vickery made him be ſilent—they did not talk any thing about it; he ſays that ſince that he has been to the ſame ſpot with Vickery, and with Mr. Hughes, and with the beadle at Hounslow, and pointed out the ſame ſpot; from all this it is perfectly clear that he was in the robbery, and it only goes to ſhew that he knew ſomething about it. He then is croſs examined, he is aſked what was his motive for making this diſcovery, he ſays nothing but his own conſcience; and the account that he has given is from memory, not from any memorandums that he had made at the time; he ſays that he firſt reported this which he has now told you to the magiſtrate in London ſome months ago—that was after he was brought from the hulks at Langſton harbour, that he deſcribed it in the ſame manner he has to you. That while he was impriſoned in Newgate, ſome of the priſoners were talking about other different robberies, and this robbery of Mr. Steele on Hounslow heath came up, when he ſaid there was but three men that knew any thing about it. That led to a ſuppoſition that he knew ſomething about it, that after he had ſaid that he was in two much fear to ſay any thing more about it. But in conſequence of that, Vickery was ſent

down, and he brought him up. He then says that after he was confined on board the hulks, sir John Carter, who is a magistrate, came to him, and asked him if he knew any thing about it, he told him he did, and that it lay very heavy on his conscience, he was very willing to tell all he knew about it; he says that he did not resist to the murder of him, because if he had he knew it would be of no use; he then says it was the compunction of his conscience that had operated upon him ever since the fact was committed, but he was too much in the habits of vice to attend to the calls of his conscience, and so during the four years he had said nothing about it—that he was leading a profligate and very bad way of life—but whether it was from compunction of his conscience, or whether it was for a remission of punishment, namely, of what had happened to him, having been convicted, in hopes of obtaining a pardon of that punishment which he was to suffer, perhaps had as much influence on him as any remorse of conscience that he had felt for four years; but that is not material for us to enquire into. He is asked whether he knew persons of the name of Isaac Wise, Wilson, and Dalton, none of these persons are called, he acknowledged that he knew them, but he does not recollect having had any conversation with them on this subject, though not so far distant as to time, as this transaction which he has given so clear an account; he says that he mentioned to Mr. Shuter, that his grandfather had left him a legacy, and that he should be obliged to sell it. In answer to a question that was put to him, whether he said to any body that he should get a sum of money by way of reward; he says no, it was about a legacy—he is then confined in Newgate. He is then asked as to his own habits, he says in the course of his life he has been confined in Newgate several times, and once he was witness in this court, to a fellow servant, that sometimes he got his living by thieving, and sometimes by driving several coaches—that he has been in several regiments; and then upon an objection made by the counsel, he declines answering any more questions, which he had a right to do, to cause himself, or to discover that which may subject him to military punishment.

This is the account given by Hanfield; to be sure it is a distinct and clear account of the robbery and murder committed by him and others, and which in point of law he is the principal, though according to his own account his hand did not give the blows.—Now the last part of the evidence that has been produced, is for the purpose of shewing that by the conduct of the two prisoners, or by the contrary account that they have given of themselves, that they have furnished evidence against themselves, or

that in ſome particulars this evidence given by Hanfield has been ſupported.

The firſt witneſs is Vickery the police officer—he is only called in the firſt part of the the caſe to prove his being ſent down to Langston harbour, and that when he was coming over Hounſlow heath the man pointed out the ſpot where the robbery and murder was committed—he then ſpeaks with reſpect to the priſoner Holloway, that he firſt ſaw him in Clerkenwell priſon, that he had been there the night before, that on the day he was going to the office with him he read the warrant to him—that warrant was a charge of robbery and the murder of Mr. Steele, that he having read it to him, Holloway ſaid he knew nothing about it, but if you will let me go I will down on my knees to you and to the magiſtrate—then he ſays that afterwards, on the 29th of November, he took Haggerty on board the Shanon frigate, where he had been enliſted as a marine—he ſays that Haggerty was ſo ill, that he thought he ſhould be hardly able to get him into the boat—when he took him out of the ſhip he did not tell him what he took him for—he took him before the port admiral the ſame morning he took him from the ſhip—the admiral asked him where he had been three years ago, he ſaid he did not know, he ſpoke ſo faint he could hardly hear him—then the admiral ſaid, where was you four years ago—this was bringing it to the year 1802, when this tranſaction happened—tnen Haggerty made no reply, that his countenance altered, that he had ſome water brought him and a ſeat to ſit down on, but he did not anſwer where he was four years ago, that he anſwered pretty readily the queſtion where he had been three years ago, and not to where he had been four years ago, which brought it to the time this murder had been done—this is only to ſhew that it muſt have ſtruck his mind.——However, that evidence ought to be received with a degree of caution on the part of Haggerty—that he was ſo ill at the time that he thought he would not live.

The next witneſs is the coachman of the Goſport coach—you will recollect that Hanfield ſaid they heard the noiſe of a carriage while they were committing the robbery; Smith ſays he was the coachman that drove the Goſport coach in November 1802, that he left London about ſix o'clock in the evening, got to Hounslow about eight and then proceeded on the road; he ſays he recollects hearing of the murder of Mr. Steele, and he remembers that night when it was ſaid to be done: going over Houslow heath hearing a man groan, and the ſpot where he heard it was between the trees, and the eleven mile ſtone, that the man groaned twice, and the firſt was loud, and the ſecond was

lower and more faint—that it was on the right hand as he was going, and that it was a moon light night, but the moon was ſhaded.

Gentlemen, that part ſo far correſponds with the evidence that Hanfield has given. The two priſoners are examined with reſpect to whether they knew Hanfield, and in the examination before the magiſtrate—they are asked whether they knew Hounslow—they denied ever being at Hounslow. To contradict that part of their ſtatement, Clayton is called—he ſays that much about ſix years ago, I ſaw Holloway either at the Bell public houſe, or the Tankerville arms, drinking with a man with a wooden leg, that they had been hoeing turnips.

Holloway. That wooden legged man I worked with him in 1803 at Sunbury, his name was Oliver, and my name was Holloway.

Court. The next witneſs is Joſeph Townſend, he produces a ſtick, a pair of ſhoes, a hat, and a leather ſtrap—he ſays he received them from the late ſir Richard Ford—the beadle of Hounſlow ſays he laid them down before ſir Richard Ford, and this man proves that ſir Richard Ford delivered to him a ſtick, a pair of ſhoes, a hat and a leather ſtrap. Clayton ſays they were the ſhoes, hat, and ſtick, that were delivered to him, he thinks, by Mr. Hughes. Then Mr. Hughes ſays, he found the bludgeon, the hat, and the ſhoes near the ſpot were the body was found, and Henry Manby proves that Hughes found a ſtick, a pair of ſhoes, and ſome pieces of hat, which have been preſerved to the preſent time, and are now produced, that they are the ſame that was found near the body

Blackman, who is a Bow ſtreet officer, he ſays that he has known the priſoner Haggerty ſix or ſeven years, Holloway a year and a half, and Hanfield four or five years—he ſays that he has ſeen the priſoners Haggerty and Hanfield together about Dyot ſtreet, at the Black horſe, Maidenhead, and at the Turk's heads public houſes, that Haggerty told him he had tied it all up, and was working at a plaiſterer's at Hounſlow, he believes. This evidence goes to ſhew that Hanfield and Haggerty were acquainted together, but it is not evidence that they were at the time this tranſaction happened; that we are now enquiring into, this is for the purpoſe of meeting that which is afterwards proved, theſe priſoners denying any knowledge of him.

Edward Crocker, ſays, he has known Haggerty, Holloway and Hanfield, he has ſeen Hanfield and Haggerty together at the Turk's head and the Black horſe in Dyot ſtreet, that about three or four years ago he went into the Turk's head Dyot ſtreet, Haggerty was there, he was

dreſt in a blue jacket, all ſmeared with lime, and that he ſaid to witneſs he had tied it all up and took to work again; he ſays that he had often ſeen Haggerty with a black thorn ſtick. Neither of the witneſſes prove that to be Haggerty's ſtick, no further than it being a black thorn ſtick, the ſtick has not been put into their hands.—Chriſtopher Jones has known Hanfield three years, Haggerty about five years, and Holloway about ſix months, he has ſeen Hanfield and Haggerty together both in houſes and in the ſtreets about two years ago—he has never never ſeen Holloway and Hanfield together.

Mac Daniel ſays he keeps the Black horſe in Dyot ſtreet, he ſays that about three or four or five years ago he ſaw Haggerty and Hanfield ſitting together in the ſame box.

William Beale keeps the Turk's head in Dyot ſtreet, he has ſeen Hanfield and Haggerty together at his houſe about two years ago—it is clear that this witneſs only ſpeaks ſubſequent to the time when this robbery was commited.

John Peterſon has known both Haggerty and Hanfield—he tells you that he has ſeen them both together at the Turk's head in Dyot ſtreet, he has ſerved them with beer—that was three years ago, that was after this tranſaction.—William Sawyer is called for the purpoſe to prove that he has ſeen Holloway and Haggerty together, at or about Hounſlow, down to what time he does not know—his evidence is, that he lived at the Bell at Hounſlow in 1802—in fact he lived there almoſt all his life—he cannot recollect whether he ſaw them in or out of town, it was in the neighbourhood of Hounſlow—this witneſs is called for the purpoſe of contradicting what one ſaid, that he never was there in his life.

John Nares, eſq. is called for the purpoſe, namely, of ſhewing what the two priſoners ſaid when they were under examination—he tells you that on the 8th of December the priſoner's were firſt brought there, that Hanfield then gave an account to him of the tranſaction, that he took it down in writing, and that he examined the two priſoners upon that account—he asked Haggerty whether he ever ſaw Hanfield before—Haggerty ſaid never to his knowledge, nor even Holloway, he had never ſeen. Then Haggerty ſays, before I went into the marines I was a bricklayer's labourer, I had no work I enliſted with ſerjeant Holmes, I lived in Dyot ſtreet, I was in the habit of uſing the Black horſe in Dyot ſtreet—I was in Tothill fields priſon in May 1803, and continued there till the laſt day of the ſeſſions following—In the beginning of the winter I went to work for a perſon of the name of Smith, Caſtle ſtreet, Seven Dials—it turns out that he did not work for him at that time,

but at another time Haggerty said I never was at, nor near Hounslow never in my life—you will recollect the other witness said he was there, and it is proved by the evidence I have read to you—Sawyer said he had seen him in or about Hounslow, although I do not think upon his evidence the contradiction is very clear—Mr. Nares, the magistrate says, that he sent for Mr. Smith, he denied Haggerty having worked for him in the year 1802, whereupon Haggerty said that they bother'd him so much about it he would not give no other account of it—it turned out that he had worked for Mr. Smith, not at that time but at another.——— Holloway said that he knew Hanfield in the street, but that he never was in any public house with him till after he came out of the prison, nor even then, except one public house, which is the Buffalo's head—that Holloway admitted that he knew Haggerty for two years and a half, that he never was in the company of Haggerty and Handfield together in his life, that he had never been at the Black horse in Dyot street above five or six times for sixteen years, and that he had never been there for the last twelve months—he denied ever having been at Hounslow in his life—he heard the witness say he saw him there with a man that had a wooden leg. Holloway said that he worked in November 1802 with Mr. Rhodes, and he mentioned the names of different people. Mr. Nares says they were sent for, and they in the presence of the prisoner deny his working for them in November 1802, but he had at othe times. Mr. Nares was very particular in asking as to that time, November 1802—that is the evidence of the examination that was before the magistrate.

The next witness called is the clerk of Mr. Rhodes—he says that Holloway did not work for Mr. Rhodes in November 1802, but that he did work for him in September 1803 to March 1804—the effect of this evidence is, to shew that this man purposely asserted that he had worked with Mr. Rhodes in November 1802, from a consciousness of his being implicated with this Hanfield—having a perfect recollection thathe did not work forh Mr. Rhodes, It only goes to shew what he asserted turned out false—whether he asserted it on purpose, or from want of recollection he had given the names of persons he had worked for, and was not particular as to the time when this transaction took place.

Daniel Bishop, who is an officer of Worship street, he is called upon for the purpose of proving the conversation that he heard between the prisoners when they were confined in seperate rooms at the office in Worship street—it appears that from Monday the eight of December, when

theſe men were firſt apprehended, until they were finally committed to take their trial, they had undergone a variety of examinations before the magiſtrate—that between each examination the priſoners were commited to the ſtrong rooms, where they were confined in ſuch a ſituation that the officer could be placed, ſo as what they ſaid could be heard by the officer, without their knowing it, and the officer could hear ſuch parts of their converſation, do or do not imply that theſe priſoners were conſcious of their being guilty of this offence, will be for you to ſay. On the obſervation of the counſel, ariſing upon the ſituation the officer was in, that there were ſome things that he could not hear, and that he could only make minutes of what was audible enough for him to hear, yet there might be other words ſaid that he did not hear, and that might be ſomething that might explain or qualify that which he did, that is an obſervation that ariſes from the ſuppoſition that he did not hear all their converſation, and that he only heard what they ſaid loud enough.

A great many examinations were gone through, but many of the converſations of the priſoners do not appear, nor did at the time they were repeated, to bear upon the preſent charge they are now. The priſoners at the bar are charged by a perſon who is an accomplice, they are heard making their obſervations upon that accomplice, who had ſo charged them, upon the effect that evidence appeared to have upon the magiſtrate, their doubts and uncertainty of that, and whether they ſhould be ſubject to trial or not.

But the parts that I moſt rely upon are of what they ſaid when they went before the magiſtrate, not the obſervations which they make upon the conduct of Hanfield, the man who was ſwearing againſt them—the account given by Biſhop, that when firſt they were taken before a magiſtrate. On the 8th of December after three examinations, they were taken to ſeparate lock up rooms—he was placed between each lock up room, he could hear when they ſpoke loud enough that on the 8th of December, I think he said the first examination, was—Holloway saying ro Haggerty.

Owen. Are you there, I never heard ſuch a man in my life.

Hag. Did you tell them you know'd me, (that is the tender part and for which they read this conversation) for I denied it entirely—*Hol.* I told the juſtices I never was in his company in my life, for I was aſtoniſhed when they came to take me—I told them I never was at Hounſlow heath in my life.

Hag. So did I—*Hol.* have you got any money.

Hal. They wont take his evidence, I thought you had been saying ſomething—*Hag.* I do not know what day of the month it was.

Hol. It is two years ago since I have seen you, where have you been—*Hag.* I have been to the West Indies, I told them I had never seen you.

Hol. He told them about public houses where we had been, but they can't tel lwho comes in or who goes out in the course of a day.

The second conversation is on the 10th of December, and on the 15th I think there is nothing material. Gentlemen. I was stating to you where Bishop was placed, between the strong rooms, I also stated to you the object was to shew that these persons were communicating with each other, in order to understand whether they were each in the same story, and the greater part of the conversation has nothing to do with the enquiry; but the material part of it is, Did you say you know'd me, for I denied it entirely—Holloway says, I told the justices I never was in his company, I told them I never was upon Hounslow heath in my life, and in the conversation on the 26th of December Haggerty says—'Where is it he said we parted with him.—*Holloway.* At Hounslow.

'*Hag.* Where did he say we had the gin.—*Hol.* At the Black horse.

'*Hag.* We must have had the gin there.'

They were enquiring into what Hanfield states, after that they came to the Black horse—he says that the house was shut up, but they were not gone to bed, and there they had half a pint of gin—that is the most material part of the conversations, The greater part of them certainly do not go to affect the prisoners—that part goes so far as to shew that they were acquainted with each other, because one of them enquires whether the other said he knew him or not—it also shews that when under examination they denied that which has been proved, namely, that they had been seen together, although here is no evidence to shew that they were in company at or about the time when this murder was committed. The next witness is Mr. Humphries—he says that he received that hat from Mr. Manby. Mr. Manby proves that he brought that hat to the office, and that hat is one of Mr. Steele's hat, which hat Armstrong says was put on the head of Holloway at the office, and it went quite down. I do not see how that evidence bears, it only shews this, that Mr. Steele's head and Holloway's head were nearly of a size. Mr. Robinson, the hatter, is likewise called—he says that in March 1802, he made Mr. Steele a hat—he says the hat which was brought to the office was rather larger than Mr. Steele's hat when new.

Mr. Britten, boot and shoe maker, he says he made boots and shoes for Mr. Steele. that he examined the feet and legs of Haggerty—he believes that Haggerty might wear Mr. Steele's boots—he looked at a pair of shoes found upon Hounslow heat eh says that they appear to have been worn by some pers

that they were too long for, that he had fitted them on Haggerty's feet, and they were too long. This evidence is to shew that these shoes must have been Haggerty's shoes—the conclusion is certainly not very correct nor very logical.—We cannot rely very much upon the evidence of the shoes, that the shoes were wore by somebody, were too big and because they are too big for Haggerty they must be Haggerty's shoes There is no evidence that he left his shoes behind him, and there is no evidence that he had Mr. Steele's boots. I think this is not a fair inclusion upon a charge for life or death. Gentlemen this is the evidence on the part of the prosecution.

Hag. My lord when I was first brought from Deal hospital I was very ill, when I was taken before Mr. Justice Nares he asked me if I knew the witness Hanfield, and likewise this man here he appeared to be in a low circumstance; I did not know the man at the present time, I told justice Nares very possibly I might have known him and drank with him, I did not know nothing of him at that time, it was not my guilty thoughts that I denied him at the time.

Mr. Andsrew. I have done all that I can for you, I think you had better say nothing.

Gentlemen, I have stated to you the whole of the evidence on the part of the prosecution. On the part of Hanfield it appears to me, and I think to you, that the situation in which he stood could not be made worse by any one evidence that might be brought here, or that his general character could be made more known than the man himself has admitted—that he was an assosiate of thieves, and that he was in the habit of going out a thieving, that he understood all the cant term belonging to persons following that course of life, and had been convicted in this place was under sentence for that offence, and for which he had his majesty's pardon, and by his own account that he was implicated in this transaction, for which he had not made any discovery fo four years.

It does not want any witnesses to shew how bad a man he was—that he now stands in the situation of a witness that is competent to give testimony before you—how far you are to give credit to him, you alone are to determine—from his account he is a very bad man—you will see how far his evidence and the evidence on the part of the prosecution corresponds. There is one circumstance—the account which he himself hath given with respect to the day he states this transaction to have happened, there is no evidence of the three prisoners, or any of them, being seen together on that day, or about that time, it rests only on the evidence of Hanfield. Now let us see the conduct of Holloway and Haggerty, when they were examined, after they were taken up, before the magistrate; they give a false account, for the purpose of covering a period of time alluding to this transaction, that they were or were not at such a place at the time, denying knowing either Hanfield th

witness, or knowing of each other—when they have proved by different witnesses, that they have been seen together about the streets, and in public houses, by the police officers, and by the men that kept the public houses, and by another person, a tapster, though not at the time when this transaction took place. There is another circumstance—Hanfield says Holloway had at that time a stick, which he calls a black thorn stick, and near where the body was found there was a black thorn stick found. He does not say that was the stick, to be sure he would if he could—that Holloway had a black thorn stick, and a black thorn stick was found near the spot where the body was found—that is all that turns out upon that circumtance.

The next circumstance is the prisoners being asked whether they were either of them ever at Hounslow—Holloway said he had never been to Hounslow in his life, he having been seen at Hounslow with a wooden legged man six years ago.—The beadle of Hounslow has proved that he saw him there—Haggerty denied that he had ever been at Hounslow—attach to this what the officers heard of the prisoners conversation, what they had said before the magistrate, they were desirous of knowing what each other had said—One said,' I did not know you'—' what did you say'—whether that does not impress upon your mind their guilt, so as to corroborate the evidence given on the part of Hanfield, adding to that what Hanfield says—'they went to the Black horse public house, and they had something to drink'—Holloway, says, ' where did he say we had the gin (of course one of them heard it), did he say we had it at the Black horse'—one of them says, ' we must have had it there.' Whether that is an acknowledgment that they had it there, or whether he said we had it there—I do not know know to place the circumstance of fixing Haggerty with the shoes, merely because they were too big for him, especially as it is not clear that he had any thing about him belonging to Mr. Steele—he must have taken shoes or boots, in order to come to town, but there is no evidence that he had Mr. Steele's boots on. I cannot see that a very strong circumstanc—such as it is you will give it what reliance you think fit.——Therefore, upon the whole of the evidence, such as it is, joined with the evidence of the accomplice, if that should satisfy you that these two men, or either of them, were concerned in this murder, you will by your verdict consign them to punishment—if on the other hand, you are not satisfied that they, or either of them, were concerned in this murder, you will acquit them.

The jury returned their verdict—Guilty.

HOLLOWAY, aged 39.—HAGGERTY, 24.

The prisoners were executed on Monday following.

E N D.

Butters, Fetter lane.

Murder of Mr. Steele.

DOCUMENTS

AND

OBSERVATIONS,

TENDING TO SHEW

A PROBABILITY OF THE INNOCENCE

OF

JOHN HOLLOWAY

AND

OWEN HAGGERTY,

Who were Executed on Monday the 23d of Febuary, 1807, *as the Murderers of the above Gentleman.*

BY JAMES HARMER,

ATTORNEY AT LAW.

LONDON:

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1807.

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TO

JOHN SILVESTER, Esq.

RECORDER OF THE CITY OF LONDON.

TO him, whose strong and comprehensive mind, whose accurate and penetrating judgment, whose long experience, during many years of practice in the criminal courts, both as Advocate and Judge, so eminently befit him to discriminate innocence from falsehood: to him, whose high and invaluable privilege it is to be the instrument of tempering justice with mercy: to him, who was present during the trial here recapitulated and examined, and who, from his important and elevated station, is best enabled to appreciate the facts which are here asserted; this Narrative is inscribed, with the profoundest deference and esteem,

By his most respectful

And most devoted

Humble servant,

THE AUTHOR.

DOCUMENTS

AND

OBSERVATIONS, &c. &c.

IN bringing before the public the present narrative, I do not mean to cast any imputation upon the jury that tried the unfortunate persons whose case I am about to state. I must, in candour, believe that the gentlemen who composed that jury were not influenced by prejudices previously formed against the accused, but that they conceived, from the evidence produced before them, the justice of the country demanded a conviction, and that they could not discharge their consciences without finding a verdict accordingly. Neither would I insinuate that any thing was improperly urged against the sufferers by the gentlemen conducting the prosecution: on the contrary, I should not do justice to them, or to my own feelings, were I to omit expressing, in the most explicit manner, my humble approbation of the candour with which every part of the case was brought before the court, and likewise of the minute attention it received from the humane and learned judge who presided. The jury were most impressively entreated to lay out of their mind every thing they might have partially heard respecting the case into which they were about to inquire, both by the learned judge, and by Mr. Gurney, the leading counsel for the prosecution, who was bound, from his situation, to state the evidence to be adduced against the prisoners, and to comment upon those parts which appeared to mi-

litate against them. This he did with all the acuteness and ability for which he is so justly distinguished; and his humanity induced him, when under the necessity of stating some trifling circumstances which might be attributable to other causes besides guilt, to inform the jury that much reliance ought not to be placed upon them; and indeed the whole of the conduct of the gentlemen employed by the crown evinced that they were not anxious for conviction, unless the evidence would satisfactorily warrant a conclusion of the prisoners' guilt.

It may be asked, why should I, by attempting the vindication of these men, assume to myself more discrimination than the jury and many others who heard the trial? and the more especially when I admit that the case was fairly and impartially investigated. My answer is, I am not so arrogant as to suppose my opinion infallible; no one feels more diffident of his own judgment than I do; and I confess that nothing but a sense of duty, together with the having possessed myself of very material facts subsequent to the trial, could induce me to obtrude myself upon the public notice, and to assert an opinion which I am aware is contrary to that of many gentlemen, who are far, very far, my superiors in ability and discrimination. I acknowledge, that it is with regret I feel myself compelled to the present undertaking, because it might appear beneficial to society that no doubt should remain of the guilt of the sufferers. I am the last man in the world who would wish to remove the generally received opinion, that "murderers never escape detection;" on the contrary, I wish it to be impressed upon every mind. It may be urged against me, that as the men cannot be now benefited even by the most unequivocal proofs of their innocence, why should I not let the subject rest? I declare, I wish I could do so; but my regard for truth, with a conviction that its promulgation must benefit mankind, convinces me I am discharging a sacred and important duty.

It may be proper to explain the manner in which I was led into this undertaking; and for this purpose I shall relate

late the circumstances as briefly as possible. Late on Thursday, the day before the trial, I was employed, by the fathers of these unfortunate men, to instruct counsel to defend them. I had accidentally learned, previous to the trial, some of the circumstances which were to be adduced against them; but I had been led to believe, that in their conversations they had so unequivocally acknowledged their guilt, that no one could entertain a doubt respecting it; and, besides, that the accomplice would receive abundant confirmation from the testimony of others: and therefore, though employed professionally, and bound to defend them by all fair means, I felt, as every honest man would upon the occasion, the highest satisfaction that the perpetrators of so horrid a crime were discovered. Hence their situation did not excite the slightest degree of sympathy in my mind: nay, at the time the trial commenced, I most heartily wished, having no doubt of their guilt, that they might be satisfactorily convicted; but, when the case on the part of the prosecution was nearly closed, my doubts arose; the more I considered, the more those doubts were strengthened; and it being stated to me, at the latter part of the trial, that Hanfield had before confessed robberies to avoid punishment for other offences, this tended still more to convince me that my doubts were well founded. I must confess I was not inclined to waive my opinion merely because it differed from the verdict of the jury; and that opinion not being altered the next morning, Saturday, I went to Newgate for the purpose of seeing the men, and made application to John Suter, the head turnkey, who is a shrewd good kind of man. I told him I was very uneasy respecting Holloway and Haggerty; I was not satisfied of their guilt. He begged me not to give myself any uneasiness or trouble upon the subject; that they were the right men he had no doubt, and that he dared to say they would confess their guilt before they suffered. I told him I should be glad to see them, and if possible, for my own satisfaction, obtain a confession, or draw from them, in the course of conversation, such particulars as would remove

my doubts. On seeing them, they expressed their perfect satisfaction with every thing that had been done for them by their counsel; but said, many circumstances had been given in evidence against them which were untrue, independent of Hanfield's testimony, the whole of which was false. I conversed first with one, then with the other, for a considerable time; and, urging every circumstance which in my mind operated against them on the trial, asked how they could explain them to be consistent with their innocence: namely, their denial of each other and of Hanfield, and their stating they had never been at Hounslow, both which assertions appeared evidently false, independent of Hanfield's evidence; and also how they could account for the expressions said to have been used by them when communicating with each other, as to the drinking the gin at the Black Horse. Their answers, which I shall state hereafter, were so ingenuous, consistent, and convincing, and in their manners there was such an unaffected firmness, such a mild and placid resignation to their fate, that I left them with the most firm persuasion of their innocence.

The next day I again visited them. On my entering the press-yard, I observed several gentlemen conversing with the prisoners, and pointing out in the most forcible manner the duty and importance of confessing their guilt, and the little expectation they could entertain of Divine Mercy, if they persisted in a falsehood at the awful moment of dissolution. They still invariably asserted their innocence: and I appeal to those gentlemen, whether the denial of the crime was not expressed in a decent and respectful manner, and not, as some of the newspapers have reported, with impudence and effrontery.

Mr. Wix, an intelligent magistrate for the county of Middlesex, was present, and evinced a laudable anxiety to obtain an acknowledgement that would satisfy himself and the world of their guilt, and who, I believe, also took considerable pains to obtain proofs of their innocence, suggested that, as I had been concerned for them, and was therefore entitled to their confidence,

confidence, they would probably be more communicative to me than any other person, and that I had better be with them alone. I accordingly retired with them alternately, and afterwards together, to one end of the press-yard, where we could converse without being over-heard. After having exhorted them as well as I was able, and endeavoured to impress upon them that it was their duty to acknowledge their guilt, or at least not to deny it; I told them, that whatever their declarations might be, even if they to the last moment of their existence persisted in asserting their innocence, the world would not, nay, looking at the evidence against them, could not, believe them so: for I, who was disposed to think as favourably of them as any one, could not doubt of their guilt:* that their death was inevitable, and at the same hour to-morrow they would be in the presence of the Almighty; that therefore their denial would risk their eternal punishment, without any possibility of being beneficial, either as it regarded their characters or otherwise. Haggerty answered in the presence of the other, "Mr. Harmer, I am sorry I cannot convince you of what I know and feel in my own heart; and if I cannot convince you, I am sure I cannot any other person; but after we are dead and gone, something or another will happen by which our innocence will be known; but, as God is my judge, I know no more of the murder than you do. I never went out with Hanfield in my life. I never was present at, or concerned in any way with murder. I have committed many trifling offences; and as I am going to die, I cannot suffer better than for that of which I am innocent; as I hope my suffering innocently will atone in some measure for my other offences." And Holloway then said, "It will be found out how falsely the villain has sworn against us. I never was in his company, that I recollect, and have only seen him by accident in the street. I never committed murder, or any offence for which I ought to lose

* At this time I firmly believed them innocent, but was anxious they should not suspect it.

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my life." At this time Suter joined, and similar conversations and assertions from them were repeated; and as they several times expressed a hope that their characters would be hereafter cleared from the obloquy of murder, I told them, that no exertions of mine should be wanting to obtain, if possible, proofs of their innocence; and if I should at any time be able to convince the world that they were so, they might rest assured I would do it." I am now satisfied they were innocent of the crime for which they suffered death. I should, perhaps, here shortly state, that the clue by which I arrived at this conviction was furnished me by Holloway, on the morning of his execution, and only about half an hour before he suffered.

Having now, I trust, satisfactorily explained my motives, I shall proceed to the investigation of the case on the part of the prosecution, and if I can shew that the evidence of Hanfield, the accomplice, is in itself improbable, and that it does not receive from unsuspected sources sufficient confirmation, the solemn declarations of the dying men must be strong, very strong presumptive proof of their innocence. But I shall not stop here; I will adduce that which doubtless will carry conviction to the most skeptical;—the declarations of Hanfield himself that he had accused them unjustly.

The mode I shall adopt will be, to state shortly the facts proved by each particular witness for the prosecution, except Hanfield's, which I shall give at length; and then, after each, subjoin my own observations. Whether I faithfully abridge the testimony of the witnesses, the reader may readily judge, by reference to the trial, taken in short hand by Sibly, and published by Butters. under the authority of the City of London.

Thomas Stephen Gerard Meyer, brother of Mrs. Steele, deposed that Mr. Steele left town on the 5th November, 1802, for Feltham, where he had a small house and lavender nursery; that *he did not state any particular time as to his return*, but, as he was absent until the Wednesday following, the witness went to Feltham to inquire concerning him; and on learning that

that he left that place on the Saturday evening, the witness and others searched the Heath, and on the left side of the road, going from Hounslow to Staines, at about the distance of ten or fifteen yards, found Mr. Steele's great coat nearly concealed in a gravel pit, and shortly after found the body, on the other side of the road, at about the distance of 200 yards: that his brother usually wrote his name in every thing, but whether in this hat or not he could not tell, and that a reward of 50*l.* was offered by the family to those who should discover the offenders.

Henry Mandy, inspector of Mr. Steele's works at Feltham, deposed, that the deceased left that place on Saturday evening, the 6th November, at 7 o'clock; that he had on a round hat; *it had been wore a little while, it was not quite a new hat; he never came particularly of a Saturday, he came on any day; I was the person that paid the workmen.* He took from Feltham 26 *or* 27 *shillings.* Witness found the old hat on the right hand side of the road coming from Feltham to town;—*there were a great many persons assembled at the spot.*

Mr. Hughes proved that he found the body in a ditch, by a clump of trees; and a strap round the neck, which was *drawn very tight*, with marks of a violent blow on the back part of the head; the witness also found the shoes about 50 yards off.

Mr. Henry Frogley, Surgeon, examined the body on the 10th November, and found a large fracture on the front of the head, also much injury done to the neck, a leather strap being put round it so as would have produced suffocation of itself; the blows were such as a stick would have made, and were, in his opinion, the immediate cause of Mr. Steele's death.

His Majesty's pardon to Benjamin Hanfield, alias Enfield, was produced for an offence recited therein, of which he had been convicted and sentenced to be transported in September Sessions last, at the Old Bailey.

Benjamin Hanfield.—*Mr. Gurney.* Attend to the questions that I ask you; give slow answers; be sure to speak the truth, and nothing but the truth.---Had you known the two prisoners at the bar?---A. Yes.

Q. How

Q. How long have you known Haggerty?---A. About *seven or eight years.*

Q. How long have you known Holloway?---A. *About six or seven.*

Q. Have you known much or little of them?---A. *A good deal of them both.*

Q. Have you been in their company much or little? A. *A good deal in their company.*

Q. Was that the case before the month of November 1802?---A. Yes.

Q. At what houses had you used to meet them?---A. At the Turk's Head in Dyot-street, the Black Horse in Dyot-street, and sometimes the Black Dog, at the corner of Belton-street.

Q. Do you remember being in their company in the beginning of the month of November 1802?---A. Yes.

Q. Did any thing pass between you about going any where, and state what?---A. John Holloway came to me at the Turk's Head in Dyot-street, in the beginning of November 1802; he called me out, and asked me if I had any objection of being in a good thing; I replied I had not; I asked him when and where, to which he replied it was *low toby*, meaning a footpad robbery; I then asked him when and where, he told me he would inform me in the course of a day or two; upon which he came the day but one afterwards.

Q. Who came?---A. John Holloway, I saw him in the street; I asked him if he was ready for what he had proposed; he replied that he was, and that it should be done on the Saturday following; and he replied to me to meet him at the Black Horse in Dyot-street; I then asked him who was to be with us; he replied Owen Haggerty.

Q. Was it said where you was to go to?---A. Not at that time.

Q. Any thing more said at that time?---A. No more than our meeting afterwards.

Q. Where did you meet afterwards?---A. At the Black Horse, as appointed.

Q. On the Saturday following who did you meet afterwards?---A. Owen Haggerty and John Holloway. Owen Haggerty informed me that it was to *serve* a gentleman.

Q. What does that language mean?---A. That is, rob a gentleman on Hounslow Heath, who he knew had property about him.

Q. How was he to know that that gentleman had property about him?---A. I do not know; it was John Holloway that found it out. We then stopped there *till near the middle of the day, and from there we went to Hyde-park-corner.*

Q. Before

Q. Before you went from the Black Horse had you any liquor?---A. Yes, we had ale or beer; we had liquor, I cannot say what.

Q. You went away from thence towards Hyde park corner?---A. Yes; and then we proceeded upon the road towards Hounslow *till we came to a public-house on Turnham-green, where we stopped, and had some porter, and from thence we went to Hounslow to the further end of the town*; *we stopped at the last house, a public-house, with some trees before it.*

Q. *Do you remember the sign?*---A. *No, I cannot recollect; I have since found out it is the Bell.*

Q. At what time did you leave the Bell?---A. As near as I can recollect *it was past four o'clock;* then we proceeded upon the heath till we came near the eleven-mile stone towards Belfont.

Q. In your way there did any conversation pass upon the beginning of your going?---A. Nothing further than common discourse.

Q. Tell us what did pass?---A. Nothing more than we hoped to meet with a good booty.

Q. Was any thing said about how you were to do it?—A. Nothing; Holloway replied, that when we come near the eleven-mile stone, that that was their mark, *but he thought we were rather too soon.*

Q. Did you wait upon the heath any time?---A. Yes, we struck out of the road upon the heath, to a place that is near a clump of trees (I have since pointed out the same spot); we waited there a considerable time, I suppose it was better than an hour, as near as I can say, not having a watch.

Q. Did you stay till after dark?---A. It was dark when we got to the clump of trees, or nearly so, but by the time that we had waited there the moon had arose; we walked out from the clump of trees on the left from here, and walked about half an hour, and then returned to the clump of trees.

Q. Which side of the clump of trees?---A. The left from here.

Q. Did you go beyond the eleven-mile stone?---A. We turned down to the left just before we came to the eleven-mile stone; at the time we were going to nigh where he died, the moon was obscured.

Q. Did you observe any person coming across the heath? tell us what passed on the business that you went on.---A. We then came out of the clump of trees; Holloway *said he thought he heard a foot, upon which we come out, and* went along the *road, upon which we* could descry the figure of a man coming towards us.

Q. Which way was he coming?---A. Towards Hounslow.

Q. On which side of the road?---A. On the right-hand side of the road going from here.*

Q. On

Court. On the right hand as you go from London?*---A. Yes; he was near the road, on the path way by the road side; then on drawing near him I ordered him to stop, which he immediately did; Holloway walked behind him, between him and Belfont.

Q. How did he appear to be dressed?---A. He was dressed in a light-coloured coat.

Q. Could you see whether it was a common coat or a great coat?---A. I did not observe whether it was a surtout-coat or a close-bodied coat. I ordered him to stop and deliver his money; he replied he would willingly do that, and hoped we would not hurt him; Owen Haggerty went between me and the deceased, the deceased put his hand into his pocket, and gave Haggerty something, but what I know not, upon which Holloway asked whether he had delivered his book; I asked him whether he had a book, and to deliver it; he replied he had not got any book; upon which Holloway insisted that he had a book; and if he would not deliver it he would knock him down; he replied, that he had none; upon which Holloway knocked him down with the stick that he had in his hand.

Q. Could you see where the blow took place?---A. No, I could not.

Q. He was knocked down with a stick?---A. He was knocked down.

Court. Holloway was behind him at that time?---A. Yes.

Q. You was before him?---A. Yes, and Haggerty too.

Mr. Gurney. Did the gentleman do or say any thing at that time?---A. I immediately took hold of his legs, and John Holloway stood over him, *protesting, that if he said any thing he would knock out his brains.*

Q. Did the gentleman say any thing?---A. Yes, he kept crying out, do not ill-use me; *Owen Haggerty proceeded to search as I described before*; Holloway stood over his *head, and the deceased made some struggle, and endeavoured to get up, upon which he struggled so hard that he got* nearly across *the road. He was very strong, it was as much as our main force could do to keep him down*; upon which, after he was down, he cried out severely, after Haggerty proceeded to search him; *and, at the identical time, the sound of a carriage came near, upon which he made another violent effort to arise, upon which he could*

* This exactly corresponds with the short-hand writer's notes, the original proofs of the trial, and the engraved plan that accompanies it. I can also state, from my own minutes and recollection, that these were the words used by Hanfield; but by some unaccountable mistake they are perverted in the published copy. Accidentally seeing Mr. Sibly, I asked whether his copy was not mutilated? he instantly, and without my pointing it out, supposed I alluded to this passage, and complained that it had been altered without his concurrence.

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not succeed; upon which John Holloway said, I will silence the b——r.

Court. Holloway said that?---A. Yes.

Mr. Gurney. On this second effort to rise, before Holloway struck him, he had got off the road; which side was he then? of the common side, on the right-hand coming to London?---A. On the opposite side, *on the right-hand coming* to *London*? Upon his crying out very violently John Holloway said, he would silence the b——r; John Holloway gave him several divers blows upon his head and body.

Q. What size-stick was it?---A. I do not know the exact size of it, *it was a large black-thorn stick; on receiving which the deceased gave a very heavy groan, in the course of half a minute afterwards he gave a second groan, and seemed to stretch out lifeless; upon which stretching himself out, I was alarmed for my own safety; I was on my knees, holding of his legs; I arose* and said, John, you have killed the man; upon which he replied, that I told a lie, that he was only stunned; *I made him for answer, that I would stop no longer, I should go on to London, he might overtake me*; upon which I made the best of my way to London, and came on towards Hounslow, leaving Holloway and Haggerty with him.

Q. You had heard the sound of some carriage wheels, did that sound at all approach you?---A. Yes, it had gone on before, it went by nearly at the time that the deceased groaned.

Q. What carriage did it appear to you to be?---A. I could not make out what it was, it sounded heavy.

Q. Did it go like a coach or a waggon?---A. A coach, it appeared to me as if it was one of the heavy night-coaches.

Court. How far were you from it?---A. *I suppose we were near thirty yards from it.*

Mr. Gurney. You were then thirty yards out of the road?---A. *Yes, I cannot ascertain how far we were.*

Q. When you quitted them, which way did you come?---A. Towards Hounslow.

Q. How soon did you see either Holloway or Haggerty again?---A. I saw them at the end of Hounslow; I was waiting there near an hour, I saw them *near to the public-house that we had been drinking at.*

Q. Were you in the house?---A. No, I was waiting there, *just opposite the road going to Bath;* I was just opposite of that.

Q. Where was the spot that this took place with respect to the barracks?—A. *It was not on the same side of the road; it was beyond the barracks, on the opposite side of the road.*

Q. How near do you take it to be to the barracks?—A. *I cannot say; the barracks lay to the right of us, some distance behind us.*

Q. Have you since pointed out the spot to any person?—A. Yes, to John Vickery and Mr. Hughes, as near as my recollection would allow.

Q. You say that you had waited at Hounslow for near an hour?—A. *Yes; or more.*

Q. After you had waited there that time, did you see either of them, or how?—A. They both came up to me again at Hounslow, at the further end; then when they came they appeared to be out of breath, and John Holloway observed *that they had done the trick;* upon which I asked John Holloway *whether he was in earnest;* he told me he was, *and as a token of that he shewed me a hat which he had brought away,* putting a hat in my hand.

Q. Was that the hat that he had gone down with to Hounslow?—A. No, it was not, I could tell that by the feel, it was a better hat a great deal.

Q. What sort of a hat was that he went to Hounslow in?—A. *It resembled a soldier's hat to me, it was bound round with worsted binding, and the worsted binding was ragged.*

Q. Has that hat since been shewn you?—A. Yes, before the magistrates at Worship-street, but I do not know whether that is the hat or no.

Q. His hat was a hat like it?—A. Yes.

Q. You described the hat before you saw it?—A. Yes.

Q. To whom?—A. To John Vickery.

Q. When Holloway put his hat in your hand, what passed?—A. I returned it to him.

Q. What did you observe upon this?—A. *I observed and said it was a cruel piece of business, and I was very sorry that I had any hand in it.*

Q. Did you make any inquiry after his own hat?—A. I did; he said he had left it behind, he had served it; meaning that he had disfigured it or buried it.

Q. Serving, means altering some way or other?—A. Some way or other, sir.

Q. Did you ask any other question at that time?—A. *Haggerty interrupted us, and said that it was time to proceed towards home.*

Q. In searching the pockets of the gentleman had you taken any money?—A. No, I did not, I did not attempt to search him.

Q. Who did?—A. *Haggerty searched him while I held his legs.*

Q. He rifled his pockets while you were holding his legs?—A. He attempted

attempted to do it; *I do not know whether he had any thing or not;* afterwards me and Haggerty attempted to come towards London; and on the road Holloway pointed to the right, and said that would be the best way for us to come; he went on the left hand.

Court. That is not material to pursue, what road they came.

Mr. Gurney. Where did you come to in town?—A. There is one thing to observe, crossing that field I *asked him whether they had got the book; Holloway replied, as I had not shared in the danger, I should not share in the spoil.*

Q. You turned out of the high road into a lane?---A. Yes, not into Hounslow road, into another; there was one thing Holloway pointed to he said was a mill or a manufactory, I don't know which.

Q. When you arrived in town you came to the Black Horse in Dyot-street, what time was it then?---A. *It was past twelve o'clock when we arrived there; the house was shut up,* but they were not gone to bed; *we had half a pint of gin there, drank that, and parted for that night.*

Q. Did you see each other the next day?---A. Yes, we did.

Q. You have said that when you were going down to Hounslow, Holloway had on an old hat; did Haggerty go down in boots or shoes? —A. He went in shoes, and he made this observation when he went out, that he did not think the shoes would last him there.

Q. Did you observe whether the shoes fitted him well?---A. I did not.

Q. Did he come back in shoes?---A. *I do not know, I cannot say whether he did or not,*

Q. You saw him again the next day?---A. Yes.

Q. Did any thing pass upon the subject?---A. Yes.

Q. Where did you meet the next day?---A. We met at the bottom of Dyot-street; I was at the Turk's Head on the next day; I saw them at the bottom of the street.

Q. What passed then?---A. I observed John Holloway when I came to him had a hat better than he usually wore, and that it was too small for him; upon which I asked him whether that was the hat that he had got the night before; he replied it was, and we appointed to meet the following day, which was on the Monday.

Q. Did you meet on the Monday?—A. We did, in the afternoon; I was at the Black Horse, Owen Haggerty came to me and informed me that John Holloway was at the bottom of the street; I went to him, and observed that he had the same hat on he had the day before; *I told him he acted very improper in wearing that hat; it might lead to a discovery,* and I said I hoped he would get it done away.

Q. Did you see the inside of the hat?---A. Yes, *upon which he took*

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the hat off and gave it to me, and upon which hat in the inside was the name of Steele, upon which I pointed out the danger he was in by wearing it; he replied, that he would get the lining taken out; I told him there might be some marks about the binding or the buckle that might lead to a discovery, and I desired him that he would get it done away with; he replied, that he should meet me again in two or three hours; accordingly, he came again in the evening with another hat on, *and something tied up in a handkerchief;* he asked me if I had any objection of going to Westminster with him and Haggerty; we went into Parliament-street together. *I said, I thought it was advisable to throw the hat over the bridge.*

Court. What hat?—A. Mr. Steel's hat, the hat that he had worn in the day: he had got that hat in an handkerchief.

Q. You did not tell us that?—A. I did not understand that at first, I did afterwards.

Mr. Gurney. You advised him to throw it over the bridge?—A. Yes, upon which he went on the bridge, and wanted to throw it over; I made an objection, I said it might swim; *I went opposite to Astley's* and filled the hat with stones, tied the lining over it, and we went on to the bridge, *to the Westminster side,* where I throwed the hat over the bridge into the water; upon which we came into Bridge-street, we met some woman that they knew, and one man; they asked them to drink, upon which we went into a public-house.

Q. *Had you after that any particular conversation with them upon this business?*—A. *Never.*

Q. You were yourself tried here last September?—A. Yes.

Q. You were convicted and sentenced to be transported, and ordered to be sent to Langston harbour?—A. Yes.

Q. Now I would ask you, in what manner were these two men dressed?---A. John Holloway had a short smock-frock, a flannel waistcoat under that, and an old hat, apparently to me like an old soldier's hat.

Q. Was that a sort of dress he put on that day, or his usual dress? A. His usual dress.

Q. What was he by trade?—A. He is of no trade to my knowledge; he had worked at Mr. Williams's at Mary-le-bone, going with his team as a labourer. Haggerty's dress was a velveteen jacket, swansdown waistcoat, and velveteen breeches.

Q. What was he by trade?—A. He used to follow the bricklayers labourers' work, or plaisterers, or something of that kind.

Q. Was that the only day that he was dressed so, or his usual dress?

A. His

A. His usual dress; sometimes he had the addition of a pair of blue trowsers on.

Q. You were sentenced to transportation; you were in Langston harbour; did the officer come down to you in November?---A. He came down to me in October or November, he brought me up in the Gosport coach.

Q. You came across Hounslow Heath?—A. Yes.

Q. As you were crossing the Heath, did you point out any thing to Vickery?---A. I pointed out to the officer the spot where we first met him, I was going to speak but he silenced me.

Q. Had you told him before you came there, that you would give him a signal?---A. No, I had not.

Q. But you made some signal to him?---A. Yes.

Q. But you did not go on. Why did he prevent you from speaking?—A. Because there was some people by us on the coach.

Q. Have you since been at the spot with Vickery and Mr. Hughes? A. Yes, and the Beadle of Hounslow was there too.

Cross-examined by Mr. Andrews. Hanfield, it is a long time ago all this that you have been stating?---A. Yes.

Q. How long ago was this?---A. In the year 1802.

Q. Did you make any memorandum of any thing that passed in the year 1802, so as to refresh your memory?---A. *No, no other remarks than my own conscience.*

Q. Then all that you have repeated to-day, is from the mere result of your memory, without the assistance of any memorandum?---A. Yes.

Q. When did you first make this discovery, or when did you first repeat this story?---A. At Worship-street.

Q. How many months ago?---A. In September or October last.

Q. Then the first time you repeated this story was in 1806?---A. Yes.

Q. How came you first to tell this story?---A. It was by mere accident

Q. What was that accident?---A. I was in this jail, we were talking of different robberies that had been committed.

Q. You were talking of different robberies?--A. I do not say myself, we were talking of different robberies, and this unfortunate affair came up, *when I said that there were only three men in England that knew it, upon which there was a rumour in the jail, that I wanted to Nose,* (i.e. to betray his associates), upon which I was obliged to vindicate myself in silence; it struck me forcibly that I was in danger from this accident, and I was sorry for having said it, on my own account.

Q. You

Q. You said it by accident, and were sorry for saying it; and so you were sorry for disclosing the truth?---A. I was not sorry for saying the truth, I was only sorry for saying it in that place; I was afraid and thought myself in danger.

Q. Should you ever have disclosed it if it had not been for that accident?---A. I do not know that I might.

Q. Why did not you disclose it further?---A. I was in too much fear.

Q. Then it was entirely in consequence of this accident, or you never would have disclosed it?---A. It was entirely in consequence of this accidental communication. Sir John Carter came to me at Portsmouth, and asked me if I knew any thing of this affair; I replied I did, and I hoped to relate it all: I was very willing to come up to London to do justice to the country and myself, for *it lay heavy on my conscience; I wanted to bring it to light.*

Q. That is not an answer to my question; my question is, that if it had not been for that accident in Newgate, you would not have told any body about it?---A. I don't know that I might.

Q. At the time that this murder was committed, you thought it was a cruel thing?---A. I did.

Q. You took no part in this murder?—A. No, I did not, no further than being present.

Q. All that you did was to hold Mr. Steele's legs?---A. Yes.

Q. But none of the blows were given while you held his legs?---A. I did not say so.

Q. If you thought it was a cruel and savage thing, why did not you resist it?---A. I knew it was of no utility to resist; I did not go out with any intent to murder.

Q. Can you read?---A. Yes.

Q. Look at that book. *(a testament handed to the witness)* read the first verse of that book.---A. *(Witness read)* the book of the generation of Jesus Christ, the son of David, the son of Abraham.

Q. Then the moment you saw this hat in your companion's custody, you advised him to conceal it?---A. Yes.

Q. Though you thought this was a very cruel thing, and at the time you did not chuse to have a share in the murder, you did not go to complain of this murder that had been committed by your comrades?---A. I did not.

Q. Not till the time this accident happened in Newgate; you never disclosed any thing about it?—A. No.

Q. What

Q. What induced you to make this disclosure, when the gentleman, Sir John Carter, came to you?—A. *Compunction of conscience.*

Q. How soon did this compunction come on you?—A. *It came on me ever since it was done, from the first instance of commission.*

Q. How happened it then that in the course of four years you did not go before any magistrate to state it?—A. *I was too much, to my shame, in the habit of vice, to think any thing about it,* unless when I was sober in bed, or *by myself alone;* then *I felt it bitterly;* I was obliged to fly to company, or to drink to dispel my wretched thoughts.

Q. Have you never heard there is a reward offered for the conviction of a murderer?—A. No, I have not, Sir.

Q. Did you ever hear of any reward being offered for the apprehension of those who murdered Mr. Steele?—A. Yes.

Q. Notwithstanding that, you did not make any disclosure?—A. No.

Q. Do you know a person of the name of Wilson?—A. Yes, I believe I do.

Q. And a person of the name of Welden?—A. I do.

Q. Do you not know Isaac Wise?—A. I do.

Q. Do you know Dalton?—A. I do.

Q. Have you had any conversation with these men concerning this murder?—A. After I was transported, I had a conversation with them.

Q. Since last September had you a conversation with Welden, Wise, and Dalton? Can you recollect what it was about?—A. No.

Q. You cannot recollect what it was about? Was it not about this murder?—A. I cannot say.

Q. Will you swear that you had not a conversation with these men more than once on the subject?—A. I will not.

Q. Will you swear that you cannot recollect whether you had or not?—A. I will not swear that.

Q. But you will swear about this transaction in November 1802, and yet you cannot recollect this transaction?—A. No, I cannot.

Q. Did you ever have any conversation with any body that you had got a something, that would put five hundred pounds in your pocket?—A. I said so to a man in the gaol, a Mr. Shuter, that a grandfather had died and left me some money, and I thought I should not be able to get it.

Q. Did you never say, that by discovering something you could put five hundred pounds into your pocket?—A. No.

Q. You never said, that by discovering something you could put five hundred pounds in your pocket, besides getting your liberty?—A. No.

Q. Then if any body comes forward and swears that, they will swear falsely?—A. They will.

Q. It was only compunction of conscience that induced you to make this disclosure?—A. *I will swear that.*

Q. How often have you been within the walls of this prison?—A. I have been here often; I have been confined in the jail, and I have been tried and convicted here.

Q. And you were under transportation at the time this discovery was made? What promise was made to you, to induce you to make this discovery?—A. No promise at all.

Q. You had no other motive at all but to unburthen your conscience?—A. I had no other motive.

Q. When you met Holloway, you urged him to go on with the robbery, he did not come to you?—A. He was come for that express purpose; I met him in the street.

Q. You were not at all intending to commit murder?—A. No.

Q. Though the murder was committed, and you knew that the murder had been committed, you did not think it right to go to a justice to get these men committed?—A. No, I did not.

Q. After Mr. Steele was knocked down, he went to the other side of the road, *partly by your dragging him, and partly by his own exertion;* no blows had been given him but by Holloway behind?—A. No.

Q. And the moment you saw this murder done, you went towards Hounslow?—A. Yes.

Q. It was you that proposed the concealing this hat?—A. Yes.

Q. How often have you been witnesses for prosecutions?—A. I never was but once before.

Q. How long is that ago?—A. I cannot say; it may be a year and a half.

Q. How often have you informed against persons for burglary to entitle yourself to reward?—A. Never.

Q. Will you swear that?—A. That I will swear.

Q. At the time that you speak of being a witness here, did you come in the character of an accomplice, as you came here to-day?—A. I came forward as fellow-servant of a man who had committed the crime.

Q. All this you have told is not from any memorandum?—A. I have no memorandums.

Q. What way of life were you in before you were sent on the hulks?—A. *I was a hackney coachman.*

Q. How

Q. How did you get your living?---A. Sometimes by thieving and sometimes by industry.

Q. Who did you drive for?---A. *I had many masters.*

Q. Do you mean that every day you had a new master?---A. I do not mean that.

Q. How many regiments have you been enlisted in?---A. Several.

Q. So many you cannot tell?---A. I do not know that.

Q. How old are you?---A. Twenty-six.

Q. How many regiments have you been in?---A. *I cannot imagine how many, I have been in a good many.*

Q. Will you take the trouble to enumerate how many regiments you have been in?---A. *I have been in the East and West London militia.*

Q. That is two?---A. *The twenty-sixth light dragoons, and in the twenty-ninth dragoons, and in the Army of Reserve.*

Mr. Alley. I certainly must object to this mode of cross-examination, as tending to make the witness criminate himself.

Court. If he chooses to answer the questions, I shall have no objection.

Mr. Alley. We cannot go into any fact that has a collateral issue.

Court. A witness may object to answer any question that subjects him to punishment; still if he chuses to answer he may; if he chuses to object, I will not compel him to answer any questions, the answer, to which may criminate or expose himself. He certainly is not bound to answer any thing, by saying that he has committed an offence, for which he is subject to any civil or military punishment; but standing in this situation, if he chooses to answer such questions, there can be no objection from any body else. I have nothing to do with the accounts of facts which have no bearing on the issue, except as they have a bearing on the character of a witness, and that is very material to the issue, because the questions often turn on the character of a witness; but if the witness objects, it is impossible for the counsel to cross-examine him in a manner that shall subject him to punishment. I will go farther, perhaps he may not be allowed to make the witness expose himself; but the witness may answer any questions if he chooses it: whatever the effect of that may be, it is my business to take notice of the objections, and to protect him from answering questions tending to criminate himself.

Mr. Andrews. Q. Then you have been in five different regiments?---A. *These are questions that I shall not answer.*

Mr. Andrews. I dare say not; after the observation from his lordship, I did not expect it; you are not bound to answer, certainly.

Before I examine particularly the evidence of Hanfield, I shall take the liberty of suggesting a few Observations, which induce me to believe that even this witness was not concerned in the murder. The Public, from what I can collect, generally think otherwise; for those who doubt as to the sufferers being guilty, are satisfied that Hanfield must himself have been present.—I am therefore aware, that, by sending forth a contrary opinion, I shall unnecessarily hazard the little reputation I have attained for discernment, as the innocence of these men might be maintained, even though it were beyond a possibility of doubt that Hanfield was a party:* but as my object in this investigation is merely to arrive at truth, I shall frankly offer my opinion, without considering whether it coincide or not with that of others.

No one could be better acquainted with all the circumstances of the case than Mr. Gurney, who opened it. That gentleman well knew the necessity of proving, as the ground-work of the prosecution, that Hanfield was present when the murder was committed. On this part of the case therefore he made the following observations. (Vide page 14 and 15 of Trial:)—"Gentlemen, you will have no doubt, it is perfectly clear that he was one of the persons by whom this crime was committed; he will describe the exact spot where the murder was committed; that when Mr. Steele received the blows he first shrieked, and then groaned once or twice; I will call to you the persons who were passing the road at the time; the stage-coachman, and the passen-

* The murder might have been committed by Hanfield alone, or in company with other persons besides the prisoners, and I will here mention an answer given me by Haggerty on my observing the improbability of Hanfield's charging two innocent men, when he might as readily have accused the guilty. Haggerty said, "I know not how to account for it, unless, if he was really concerned with others in the murder, that they are dead, and he knew that by accusing them he would not get off."

gers

gers on that coach; they will tell you that in passing by that very spot they heard such a shriek as the accomplice describes, and they heard two groans. They remarked at that time there was some one being robbed, or some violence being used; they were too apprehensive of danger to stop on Hounslow-heath, for the purpose of ascertaining what that mischief was. The accomplice states, that the gentleman who was murdered, the hat, AND THE HALF BOOTS* of that gentleman, were brought away by the persons who committed the murder; he states that he was stopped and robbed on the south side of the road, and the removal of the body afterwards was a matter which he knew nothing of, he having left them. I shall prove, first of all, the assault to have been on the south side of the road, and that a hat was found near that spot, so that it shews that some person must be engaged in that transaction at the spot described by the accomplice. Gentlemen, he described the hat most accurately; for, on his being brought up on one of the days of examination, and inquiring whether there was any further evidence to be brought that day, the officer told him yes, a hat was found upon the spot; he said, that was the hat left by one of his companions; it had the appearance of an old soldier's hat, with worsted binding, and that binding was ragged; the hat answered exactly the description, as far as within his knowledge, *and it appeared to be the hat that one of the prisoners had worn.*†"

If the spot had been known only to the murderers, who kept it a profound secret—if the coachman and passengers had never communicated their hearing the groans—if it had been only known to one or two persons that the hat was taken away, and an old one, with ragged worsted binding, found on the south side of the road: I say, had these circumstances been known only to the persons finding the body, and hearing the

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* This was not proved by Hanfield.

† There was no evidence of this upon the trial.

groans

groans, until after Hanfield had given his first account, certainly the proof that he was present would have been irresistible. But were they not known to all those who could read? and as Hanfield was a post-boy, who must have been acquainted with the place described, upon whom were they more likely to make an impression?

The general interest excited by this atrocious murder was such that for some weeks the road was thronged with persons who from mere curiosity were induced to visit the spot. Hanfield's pointing it out therefore, even had he done it correctly,* is no proof that he was present, as every one then residing at Hounslow, and thousands besides, could have done the same. The particulars stated by Hanfield about Mr. Steele's hat being taken, and an old one left, and that groans were heard by a coachman who was passing, were subjects of great notoriety, and would have furnished any one not concerned in the murder, (and yet wicked enough to implicate innocent men,) with sufficient materials for framing the story given by Hanfield, or indeed one far more consistent.

Having now suggested the means by which Hanfield might have obtained a knowledge of the facts he related, without being present at the murder, I shall proceed to state the circumstances which convince me he was not a party. "He says," the blows were inflicted with a black-thorn stick; *that the deceased was at the time on the right hand of the road, coming to London;* and that on receiving them he groaned twice, and stretched himself out lifeless. There is abundant presumptive proof that the deceased did not thus meet his death. If the murderers had completed their purpose with blows, what necessity for strangulation? Why resort to the leather strap, and take so much pains in the manner of placing it? And as to the

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* I am given to understand by Mr. Hughes, that Hanfield did not point out the place where it was supposed the murder was committed. I shall hereafter observe more particularly upon that subject when I come to examine his evidence.

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groans, upon referring to the evidence of the coachman, it will be observed that he describes them to have proceeded from the contrary side of the road, namely, the right-hand side as he was going *from* London. Had Hanfield been present, he would unquestionably have mentioned these circumstances correctly, and described what was done with the body: for, I cannot believe, if several men go out to rob, and murder ensues, but all would take an equal share in doing that which was for their mutual security. No one, therefore, concerned in this murder, but would have known where the body was secreted, and if he was assisting, could state all the particulars respecting it.

In the next place, a large bludgeon was found near the body, which appeared to have been recently cut from a birch-tree, on the opposite side of the road, and from the chips and notches, which corresponded with those on the tree, had been evidently divided with a small knife. The bludgeon had marks of blood upon it; and therefore no doubt can be entertained, but that it was the weapon used. It was produced in Court, and excited an universal expression of horror. This weapon was not spoken to by Hanfield, but had he been concerned, could he have been ignorant of it?*

Lastly, a pair of half-boots, a pair of stockings, and a tuck-stick, were stolen by the murderers from Mr. Steele, and his great coat taken off and secreted; about these, also, Hanfield is perfectly silent. He comes to tell a fabricated tale, and being unacquainted with the minute particulars, he very ingeniously frames a short account, in order to avoid detection. He remembers that Mr. Steele's hat was taken, and an old

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* The particulars relating to the bludgeon, I first learnt from perusing the newspapers of Nov. 1802, and, as I thought it very material to be satisfied whether they were correctly stated, I went to Clayton the Beadle at Hounslow, who informed me the bludgeon had marks of blood when delivered into his possession, and referred me to Mr. Hughes, of Hammersmith, who found it. The latter told me, that, as well as his recollection served him, it was bloody; that he had no doubt in the world that the murderers used it; that it had been recently cut from a clump of trees on the South side of the road; and that from the size it must have occupied a long time in separating from the tree.

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one left; and has been told, that groans were heard by a coachman who was passing. With these facts, and some little knowledge of the spot, which he has learned from others, he contrives to make up his story; and, that he may not be called upon to state particulars, he very conveniently quits the body immediately on the murder being committed.

To some it may appear incredible that human depravity could possibly arrive at such a climax, that a man should not only attempt to bring two innocent persons to the scaffold, but should falsely accuse himself with the most horrid of all crimes. It has however been often observed, that there are gradations of vice by which men proceed from one offence to another, until there is no crime of which they are incapable: and this appears to be the case with Hanfield.

I have heard it observed, that if Hanfield falsely charged these men merely to get his pardon and release from on board the hulks, and that his object being accomplished when that pardon was procured, he might then have refused to give evidence against them; let it be recollected, that the pardon was not a general one, only regarded the offence for which he was sentenced to transportation; and he was no doubt aware, that if he repeated his story, and admitted that he had been trifling with the magistrates, that he could have been tried upon his own confession for this murder. He was therefore from necessity compelled to persevere.

I shall here shortly notice, that several gentlemen have communicated to me circumstances to fix the guilt of the murder upon persons who have not yet been apprehended; but I am sure these gentlemen will see the propriety of my abstaining from the mention of names, or the particulars disclosed. The reports against those persons are very prevalent at Hounslow; but with what foundation I am not called upon to say. It is not for me to shew the probability of who might commit the crime; indeed, it would be unjust and premature, as it may yet become the subject of legal investigation. I have undertaken to investigate the innocence of the men that suffered; and if I succeed

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in removing the prejudices and odium from them, I shall feel myself sufficiently compensated.

I shall now proceed more minutely to observe on Hanfield's evidence, which I shall so arrange that the reader's attention may be particularly drawn to the parts under discussion.

And FIRST, from leaving London to drinking at the Bell at Hounslow.

It appears rather improbable that three *known* thieves, who were setting off for Hounslow with the express purpose of committing a preconcerted robbery, should have chosen to go in company through the most public part of the metropolis at noon-day, leaving London at Hyde-Park corner, by the direct and most public of the roads; because they must be aware that immediately on the robbery being discovered, inquiry would be made what suspicious persons had been on that road; and any officer who had either seen them or heard of their being near, would have apprehended them. And what strengthens the improbability is, that this danger might be easily avoided, by each going separate routes, and meeting at any given spot on the road, as for instance at Kensington: for one could have quitted at Hyde-Park corner, another from Oxford-street, and the third at Grosvenor-gate; or, if they chose to go in company, they would surely have preferred the shorter and more obvious road across Hyde-Park from Oxford-street, to avoid entering the main road till they reached Kensington.

The next improbability is, that thay should stop at the Bell, of all other houses, in Hounslow. According to Hanfield's evidence, they were perfect strangers, and their appearance such as was likely to excite suspicion; this, together with their leaving the house at dusk, must have struck the landlord and all persons in the house, who would instantly conclude they were upon no good purpose. The Bell is the first public-house coming from the heath towards London; and therefore, that to which a person robbed would immediately resort; and the landlord and others who had seen the prisoners would have been convinced they were the robbers; pursuit would have been made;

and, if that failed, a very minute description of their persons and dress could have been given, and must have led to detection.*

The manner in which he describes the Bell would alone lead me to suspect his story: for if I find a man (interested in the tale he is giving) state that which is improbable, (though as to trifling and immaterial points) I have good reason to believe that the whole of his account is fabricated. Indeed, it strikes me that his pretended ignorance of the sign is impossible. He thus describes it: "we went to the last house in Hounslow town, *a public-house with some trees before it.*" And, in answer to the question whether he did not recollect the sign? he first says, "no, I cannot recollect."—But, probably thinking this was saying too much, as the house must have been so frequently mentioned during the examinations, *he added*, "*I have since* FOUND OUT it was the Bell."

Hounslow is by far the greatest posting-town near the metropolis; and of course that to which post-boys living in London most frequently go. The Bell public-house is remarkably conspicuous; for there is a large figure of a Bell suspended from a sign-post at the road side, so as to attract the attention of every passenger, and to be seen nearly a mile on each side of the house: but that which makes it still more generally known is, that it stands precisely at the spot where the Bath and Portsmouth roads separate. Every post-boy, nay, every person whatever accustomed to travel that road, if asked where those roads parted, would immediately answer, "at the Bell." I cannot therefore believe but Hanfield must have known this house well: and if so, is not his affectation of ignorance a highly-suspicious circumstance?

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* I have seen the landlord of the Bell, and his wife, who say they have no remembrance whatever of any stranger or strangers being in their house the night Mr. Steele was murdered; that, immediately on hearing of the event, they exerted their recollection very particularly; and that they could not have forgotten three such persons as Hanfield and the prisoners, had they been drinking there.

Secondly. His account of his own conduct, and that of his accomplices, from leaving the Bell to the commission of the murder.

On considering his testimony as to waiting for Mr. Steele, and comparing it with the real facts, upon record, as to the habits of the deceased, I cannot for a moment think his account probable.

Mr. Steele was not accustomed to come to or go from Feltham upon any given day, much less at any particular hour. The witness Mandy says, *he came on any day:* and on subsequent enquiry I find that he went to Feltham as his avocations permitted, or inclination prompted; therefore, for any thing they knew, Mr. Steele might have been engaged at home in town at the very time when Hanfield would have it believed they were waiting for him at Hounslow; and besides, Mr. Steele's intentions, as to his return, appear to have been unknown, even to his family. For Mr. Meyer says, "he did not state any particular time as to his return;" therefore to the prisoners and Hanfield it must have been a perfect secret, as they could not have obtained any information from his servants or others; and I would ask, is it credible that three men should wait upon Hounslow Heath three or four hours* on a winter's night, without some good reason to suppose that the object of their plunder would approach? For it is clear *they* could have no sufficient reason to believe Mr. Steele would cross the heath on that night.

I would further observe, that Hanfield does not mention a single occurrence during the long time they were there: he does not state that any person on foot or on horseback, or even a carriage, passed until after the murder; whereas it is evident

* Hanfield says, "It was about four o'clock when they left the Bell," and Smith the coachman, who heard the groans, says, "it was about eight when he arrived at Hounslow," and as he would have to change horses there, it would probably be a quarter past eight before he would pass the spot. By Hanfield's account, therefore, they must have been waiting full four hours.

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many persons must have passed during the interval, and that several did pass the road within an hour of the murder, not only labouring men who usually go to Hounslow from Feltham and the flax-mills on Saturday evening, for their domestic articles of consumption, and to regale themselves at the public-houses in that town, but also persons of genteel appearance, who by those not well acquainted with Mr. Steele might in the dark have been mistaken for him; and one gentleman, in particular, about the size and figure of Mr. Steele, Mr. Barrow, surgeon, of Hounslow, came from Feltham on foot, and passed the spot, about 7 o'clock, where Mr. Steele was murdered.

THIRDLY. The whole of Hanfield's account of the murder itself appears to me improbable.

By the evidence of Mandy, Mr. Steele had only six or seven and twenty shillings about him, and if he gave up his money immediately on being asked for it, he could have no possible motive for resistance; and if he saw them disposed to ill-use him, would he not have turned out his pockets to convince them he had no book? And can it be believed, that when in the power of three ruffians, and lying on his back, he would for the first time begin to resist, and this too when Holloway was standing over him, *protesting that if he said any thing he would knock out his brains.*

Next, as to the struggling—Mr. Steele was a small man; Holloway and Hanfield strong and powerful. Mr. Steele is represented as having received a blow which brought him to the ground, and he was lying on his back, Hanfield holding his legs. A man on his back, with his legs held, cannot have strength to resist even one adversary; and yet Hanfield says, that, notwithstanding Mr. Steele was in this situation, it was as much as their united force could do to keep him down. Now, I request the reader to consider the situation of the parties as described by Hanfield, and then determine whether it is probable Mr. Steele could, by any exertions, have got *nearly across the road?*

On being asked some questions upon this point, Hanfield answered,

answered, it was partly by their dragging and partly by Mr. Steele's exertions that he got on the contrary side of the road. The witness, probably perceiving that the drift of this inquiry was to shew the improbability I have pointed out, thought it would be explained by this answer, and would have it understood, that as the deceased struggled they dragged; but this renders the improbability yet stronger: the transaction, from the first attack to the commission of the murder, occupied, according to Hanfield's account, only a very short space. Mr. Steele is stopped, gives his money; but no pocket-book; begs not to be ill-used, is knocked down, and while Haggerty is searching him, which he begins to do immediately, a carriage is heard, the deceased makes an effort to rise, but is overpowered, and to prevent an alarm, he is murdered. The stopping, knocking down, and commencement of the search, were on the causeway on the right-hand side of the road, going from town; and the murder, as he says, was committed on the left. Let me ask, what should induce the robbers to drag Mr. Steele *across the road?* Would it not have been much safer to keep from it, and especially as a carriage was at hand? I am sure every man of common sense will agree, that if the robbers had dragged at all, it would have been to keep *from* the road, and therefore Hanfield's answer confirms my doubts, as to his having been present.

It should be stated, that in addition to the danger of crossing the road, the robbers would have more difficulty to get on the common from the south side, than from the causeway, as it is easy to step from the causeway to the common, but on the opposite side there are large hillocks, formed of road sand, and which could not be got over very expeditiously by persons carrying a dead body or a struggling live one.

If Hanfield's account be true, that Mr. Steele was dragged across the road from the causeway to the opposite side, and there murdered, the robbers must have taken him a second time across the road, as the body was found in the clump of trees on

on the side next the barracks. For what purpose the murderers should risk detection by crossing and recrossing the public road I am at a loss to conjecture; especially as it was on a Saturday evening, when labouring men are more about than on any other night in the week.*

It is very remarkable that Hanfield should state they were thirty yards from the road when the coach passed, and yet that he should not give some account how they came to be at that distance. This part of his evidence is left completely unintelligible. His expressions are, "He struggled so hard that he got *nearly across* the road;" and it should seem that nothing further was done until the sound of the carriage *was* heard, when Holloway gave him the violent blows which caused his death. He groans, and stretches out lifeless just at the moment the coach passes; but how Mr. Steele got thirty yards upon the common, he does not say.

Hanfield next asserts, he arose from his stooping position and left his companions searching the deceased, and that he did this because he was alarmed for his own safety. Why did not the alarm come upon him when the sound of the coach was first heard, or when it had nearly approached? for when the coach had passed, so had the danger of immediate detection: but if he *was* really alarmed, why did not his fears continue to operate, and make him return to London as expeditiously as possible? Indeed it appears to me highly improbable that a man should take an active part in a murder, and immediately leave his companions employed in searching the pockets for *booty*, the

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* The idea entertained by many people at Hounslow of the manner of the murder appears very probable. They represent that Mr. Steele was accustomed to walk on the opposite side of the road to the Barracks, and conjecture he was there attacked. Being a resolute man, and having a tuck-stick, they presume he defended himself; that in the scuffle some blood was lost, and his opponent's hat fell off. That he afterwards endeavoured to effect his escape, crossed the road to make towards the Barracks, and was then overtaken and murdered. This account is in a great degree confirmed by the coachman having heard the groans on the side next the Barracks.

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only object of their long journey, watching, and perils. Besides, this search could not have employed three persons above two minutes at most. Surely then, Hanfield, had he been there, would have remained until it was completed.

Fourthly. From the murder till their return to Town.

In the first place, I cannot bring my mind to believe that a man impressed with fears for his own safety would have stopped at Hounslow for a moment, much less as Hanfield represents, for an hour or more, and that too, close to the Bell public-house, where all three had been drinking together a few hours before, and which, as it was Saturday night, was more resorted to than on any other evening. A man who has committed a bad action, always suspects he is in danger; and would it not have occurred to him that his loitering about for an hour must be observed, and excite unfavourable impressions against him, which might lead to his being watched, and to his consequent apprehension? Admitting, however, that he had no such fears, I cannot conceive what could induce him to wait so long. He had left nothing to be done but the pockets to be searched, which had been partly effected, as he says, before the murder; as his accomplices, therefore, did not overtake him shortly, he would reasonably suppose they had taken a different road, or were detected: had either of these ideas suggested themselves, he would not have remained so near the scene of danger, but would have made the best of his way to London. Being called upon to describe the spot, as relative to the barracks, he says, *it was on the same side of the road, it was beyond the barracks*, on the opposite side of the road, he could not say how near it was to the barracks: *the barracks lay to the right of us, some distance* BEHIND *us*, and that he had pointed out the spot to Vickery and Mr. Hughes, as near as his recollection would allow.

This account of the spot is to me perfectly unintelligible and contradictory, and not in the least consistent with the plan I have seen, or with the spot pointed out to me upon the Heath. The clump of trees where the body was found, is, as I should conceive,

conceive, rather less than ten miles and a half from London, some distance before you come in a line with the barracks, and if the murder was committed opposite this clump, the barracks would be on the right *before* them; a situation which a thief who had been waiting four hours to commit a robbery could not possibly have forgotten.

The witness goes on to say, "when they came up, they were out of breath, and Holloway *observed that they had done the trick*, upon which I asked John Holloway *whether he was in earnest;* he told me he was, *and as a token, shewed me a hat* which he had brought away."—Let me ask what trick was left to be done when he quitted them? why should he enquire whether Holloway was in earnest? and why was any token to be given?—Was not the murder perpetrated, if his account be credited, before he left the spot? and if so, is this conversation consistent? I say it is not; his inquiries would have been, what money they had found, and what had detained them; and they would have accounted for the delay, by being employed in secreting the body, if such had been the case. But not a single word does he state to have passed upon that subject.—He then describes the hat as a fine one, and that which had been worn by Holloway going down, as resembling a soldier's hat with ragged worsted binding, and, after some other questions and answers, adds, that Haggerty *interrupted them, and said it was time to proceed towards home:* from which it would appear they *stood* talking this nefarious business over near the Bell, and were quite unconcerned as to getting to town, or being overheard—but on their way to town, he says, "I asked whether they had got the book; Holloway replied, as I had not shared in the danger, I should not share in the spoil." It appears to me, that this could not have been the conduct of men, circumstanced as they were: Hanfield's quitting them, as he describes, would have alarmed them; they would have said, we must be expeditious and overtake him: and (supposing them to have found considerable plunder, and not to wish him to participate) they would have agreed to have said, "he knows not

what we have got, we can tell him it was only a few shillings, and will give him a trifle as his share: but it appears there could be no inducement to deceive him. Mandy says Mr. Steele had but 26 or 27 shillings about him: would these men, then, for the paltry consideration of eight or nine shillings, which would have been Hanfield's proportion, have risked the irritating him, and particularly as he had left them, and said it was a cruel business, unless they were contriving how to compel him to betray them? If so, their conduct was consistent; otherwise, it was in the highest degree improbable.* The reason, too, which he states to have been given, is absurd and false; and he would have immediately answered, "that he *had* shared the danger," for, according to his own account, he had taken a very active part. He is the first to stop the deceased, to demand his money, and when knocked down to hold his legs till the murder is committed; had he not then shared the danger, and become entitled to his proportion of the plunder? and would not he have urged these particulars to obtain his share?

I next proceed to examine Hanfield's account of his own conduct, and that of the prisoners, in town, subsequent to the murder.

I cannot think it very probable that these men, if they had committed the murder, would have gone *together at* 12 *o'clock at night* to a public-house where they were well known, and indeed after the house was shut up, merely for the purpose of drinking a dram; because they must be aware that the murder would soon be discovered, and, as they were thieves, the suspicion might fall upon them from their being out together on the night it was committed till so late an hour, and especially as Holloway wore a hat so very different from that which he

* He denies having received his share, because he knew he would be called upon to state the amount, which, had he hazarded, he was aware he might probably have been contradicted by evidence as to what Mr. Steele had about him.

had worn in the morning, and Haggerty half-boots instead of shoes; if they had wanted drink, they would rather have gone where they were unknown.

In the next place, is it likely that Holloway, a poor wretch, who, in his best circumstances, was a common labourer, would have worn nearly a new hat, and that of a fine quality,* having, till then, used one of the coarsest sort, and very old and ragged? He must have been aware that this would alone attract attention, and the more especially when he knew it must soon be discovered that Mr. Steele's hat had been taken.

On the Monday, the witness says he advised Holloway of his danger in wearing the hat; that the latter took it off, and gave it to him, and that he perceived the name of Steele written in the lining: I cannot credit this account. Is it not extremely improbable, that three thieves should converse in the street, in the middle of the day, respecting a murder they had recently committed; and still more so, that one of them should take from his head the hat stolen from the murdered gentleman, to be examined by one of the others? For aught they knew, the body had been discovered, the hat missed, and police-officers and others upon the alert to discover the murderers, and they would therefore scarcely have dared to talk and act in this manner in the most secret retreat.—But I can perceive why this was introduced; on the murder being discovered, it was mentioned in the public prints that Mr. Steele's name was probably written in the hat and boots that were stolen, and the advertisement from Bow-street says the half-boots were supposed to have the name of Steele written within. Hanfield, recollecting this, conceived it would give his account an appearance of truth, if he mentioned his having seen the name of Steele in the hat, and he therefore invented this circumstance.

His account of the throwing away the hat must, I think, strike every man of common sense as a fabrication, unless it

* Mr. Steele's hatter informs me it was a fine hat; that it was charged twenty-three shillings, including the stamp, and that hats have since increased much in price.

can

can be believed that Hanfield and the prisoners were the greatest fools, as well as villains, that ever existed. It is well known among the lower orders, that police-officers are always upon the watch in the evening, and at night, and more particularly so in the neighbourhood of St. Giles's, and at the houses used by suspicious characters, and that they will frequently stop persons of whom they have no knowledge, if they observe them carrying a bundle; but if they see a known thief with one, they never permit him to go unmolested. Would therefore Holloway, after he had been admonished of his danger in *wearing the hat*, have carried it tied up in a handkerchief to Dyot-street, St. Giles's?—a place where Bow-street patroles and officers are continually upon the scout, and this too without tearing out the lining. Could not this strong mark of identity have been in a moment burnt or destroyed? Certainly it could, and the hat also; and, if it could be believed that Holloway was one of the murderers, and disfigured the *old hat* that was found at the spot, he would not have been at a loss to mutilate that of Mr. Steele, without hazarding such imminent risk of detection, by proceeding to St. Giles's, and from thence to Westminster-bridge, in company with two other thieves, with this marked *hat in a bundle;*—besides, Hanfield, who assumes such sagacity in pointing out that, if even the lining were taken out, still the hat might be known by the binding or buckle, must have been aware how dangerous it was to be in possession of Mr. Steele's hat, or even in the company of those who had it. He would therefore have refused to accompany them, because it might with as little, nay, with far less danger have been destroyed by one as by the three, and he would have said, "Why do you trouble me about it? You before said, I did not share in the danger, and have refused to give me any part of the spoil, and why should I feel so interested in your safety as to endanger my own for no purpose upon earth? I will have nothing further to do with the business."—But what is his conduct? So far from feeling disgust or resentment, he is the very man to take the most active part. He it is, that advises the throwing the hat over the bridge; he it is, that makes an

objection to Holloway's throwing it over; lest it should swim; and he it is that goes opposite to Astley's, fills it with stones, and throws it into the water, *from the Westminster side of the bridge*. Of this story I am not credulous enough to believe one tittle. Had Hanfield been the easiest of dupes, it is highly improbable: but, with a man so vindictive and vicious as he is known to be, it appears absolutely impossible. Besides, if he were aware of the danger of having this hat, why keep it a moment longer than was necessary? why not throw it over the *Surry side* of Westminster-bridge? would it not have been equally effectual, as well as less hazardous? for, even while they were crossing the bridge for no purpose whatever, they might have been apprehended.

After making away with the hat, Hanfield says the prisoners met with some acquaintances, and drank together, and that he never afterwards had any conversation with his accomplices on the business. It appears to me unlikely that this can be true; their attention would have been particularly drawn to every circumstance that transpired relating to this murder, and when the body was found, they would each be anxious to discover if their persons were described as having been at the Bell, and upon whom suspicion had fallen. They would have heard of the reward offered from Bow-street; of people being apprehended and examined; of officers being sent in pursuit of suspected persons, and other particulars, which must have furnished the murderers with abundant subject of conversation, if they were accustomed to meet so frequently as he says. Besides, the secreting the body, putting the strap round the neck, taking off the great coat, and many other circumstances stated in the public prints, would have been perfectly new to Hanfield, and he would naturally have questioned his companions whether they were true, and what induced them to take such steps; particularly why they stopped to put the strap round the neck after he had left the body dead, which must have struck him to be very absurd, as must the taking off the coat and bringing away the boots; for thieves, who leave London to commit a highway robbery, never strip those they plunder; knowing it would most probably

probably lead to detection. These circumstances, therefore, must have excited his curiosity, which he would have satisfied the first time he saw his accomplices, had his own and their conduct been such as he describes. Neither is there any foundation whatever for what he says, on his cross-examination, on the discovery being made by mere accident, from his having dropped some expressions unguardedly in Newgate; that this occasioned a report that he was going to betray his associates; and that he was afterwards very sorry for mentioning it, as he thought himself in danger. All this is false; he was always the most violent man to call out against what, in the cant phrase, is called a *nose*, i. e. one who would impeach others. Inquiry has been made of all those who were in the same room with him, and generally throughout the prison, whether he had let fall any expressions that could lead to a supposition that he was concerned in Mr. Steele's murder, and it appears that nothing of the kind ever transpired.* But this I learn, that, when he was leaving Newgate to go to the Hulks, he said he should obtain his pardon in three months, and have, besides, a very handsome legacy. At this time, therefore, I have no doubt he had it in contemplation to make the accusation he has since brought forward.

I think the reader must agree with me, that compunction of conscience operated very little upon this man's mind, notwithstanding he says it came on him ever since the commission of the crime, and that when he was sober, or in bed alone, he felt it bitterly.—But has he changed his vicious habits? No. Was it not more probable that compunction should operate upon him to make the disclosure when out of custody, and having more opportunities for serious reflection than when surrounded by the most depraved of mankind? and, if so, why not avail himself of many opportunities which must have

* It is well known that most thieves, however desperate, will not conceal murder.

presented

presented themselves to unburden his conscience during the four years that have elapsed since the murder?

Mr. Gurney, in his opening, stated to the jury that Hanfield was a post-boy: but the latter, on his cross-examination, calls himself a *hackney-coachman*, and evades telling who were his masters: I have no doubt, he suppressed his having been a post-boy, lest it should be supposed that he had obtained a knowledge of the facts relating to Mr. Steele's murder from his situation, and not from being an accomplice.

He states himself to have belonged to five different regiments. This, I believe, is not one half the number into which he has enlisted; and every time he was attested, he must have committed perjury, if he belonged to another regiment: surely, then, this man cannot entertain much, if any, regard for an oath, and little attention ought therefore to be given to whatever he may swear.

Among the regiments into which he describes himself to have entered, I beg the reader to notice that he omits the ninth Light Dragoons;—why he concealed this circumstance will presently be perceived.

In the commencement of my observations upon Hanfield's evidence, I endeavoured to shew that, from his situation as a *post-boy in town*, he could scarcely avoid obtaining some knowledge of the circumstances he gave in evidence, and I have stated my suspicion that from the same circumstance he must have been acquainted with the Bell public-house. Some further particulars have since come to my knowledge, which prove to demonstration that he must have known the house well; that he must have heard some of the facts respecting Mr. Steele's murder; particulars which tend more strongly than any before mentioned to convince me that his accusation was false.

Before I state these circumstances, some apology may be requisite for not making the inquiries respecting them earlier, as thereby a few of the foregoing observations might have been rendered less necessary. But I can only say, that, besides the ordinary calls of my profession, which at all times leave me very little

little leisure, it has so happened, that I have been more than usually occupied since this unfortunate event, and could not therefore pursue the investigation with the alacrity I could have wished. In the course of my inquiries respecting Hanfield's former confession, I was led to examine the Newgate Calendar of July Sessions, 1805, in which I found the following entries :—

" Benjamin Hanfield, committed by Thomas Robinson and " William Kinnaird, Esquires, *upon his own voluntary con-* " *fession*, for stealing in the dwelling-house of John Few " Royle, fifty pounds in money, and upwards of one hundred " pounds in bank-notes, his property. Detained on oath of " Richard Davies, charged with being a deserter from the West " London militia."

On application at Bow-street police-office, from which he was committed, I learned that he was, on the 13th of June, charged with desertion from the 9th Light Dragoons and West London Militia; but he and two others, who were in custody, being suspected of various robberies, the persons who had lost property were desired to attend on the examination of the prisoners.

On the 17th of the same month, a serjeant of the 9th Light Dragoons swore to Hanfield's being a deserter from that regiment, and on the same day Mr. Royle stated his belief that he had been concerned in the robbery at his house; as, about a fortnight before it was committed, he had seen him with something in his hand, with which he supposed he was about to cut the shop-window. Hanfield was therefore not sent to his regiment till this felony was farther investigated.

But, between this and his next examination, it suggested itself to him that, by confessing the robbery, he might avoid being returned to his regiments and punished for desertion. And the next time he was brought to Bow-street office, he actually made a confession, but in such terms as I think must convince every one that he knew nothing of the transaction. The magistrates, no doubt, saw his motive, and acted accordingly. They therefore not only committed him for the felony, but sent a detainer to hold him as a deserter.

One

One of the committing magistrates very politely permitted me to take copies from the Occurrence-Book at the office, and the following is the deposition made by one of the serjeants who appeared against Hanfield.

James Foster, Serjeant in 9th Light Dragoons, on his oath saith, "that the person now present, who calls himself Benjamin Hanfield, is a private belonging to the said regiment, "and from which he deserted, about six weeks ago, FROM "HOUNSLOW BARRACKS, and that he enlisted in the name of "Benjamin Bampton."

JAMES FOSTER,
Serjeant 9th L. D.

Sworn before me, this 17th June, 1805,
T. ROBINSON.

The following is a copy of Hanfield's confession, made immediately after the foregoing deposition.

The Prisoner voluntarily says, "that he is one of the men "who broke into the house of Mr. Royle, of Orange-street, "Red-Lion-Square, and stole the money and bank-notes: "says, he makes this confession, because he would rather be "prosecuted for robbery than serve his Majesty, who he has "served for nine years, and got nothing for it: says, he only "means to criminate himself, and does not know, nor will not "know, who were with him when the robbery was committed: "says, he does not know what money they took, nor what "his share was: says, he does not exactly know where it was, "but thinks it was last month, in the evening, after dark; "candles were lighted; examinant went in at the door, *and* "*took what he could find.*"*

B. ENFIELD.

Taken before us, this 24th June, 1805,
W. KINNAIRD.
T. ROBINSON.

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* Nothing was stolen from Mr. Royle but cash and notes, which were taken out of a chest of drawers, in a two-pair of stairs back room.

At

At the next sessions, Hanfield was indicted for this felony, pleaded not guilty, and was, as might be expected, acquitted. He, no doubt, conceived he would be discharged on such acquittal; but, finding he was detained, in order to be sent to his regiment, he, while in Newgate, made several applications to give further particulars respecting the robbery. These, however, were not attended to, as it was evident he was endeavouring to implicate himself, merely to avoid being returned to his regiments. He was afterwards taken to Bow-street, and committed to the Savoy.

If I felt a doubt before whether Hanfield's story was false, that doubt would have been removed by a review of the proceedings at Bow-street; for, Hanfield having been a soldier in Hounslow barracks, it is impossible that he should be unacquainted with the nearest public-house, the Bell. It is therefore evident he swore falsely, when he denied his knowledge of that house; and, if any thing stronger were wanting on this head, we have abundant confirmation from the officers of Worship-street; who, on my asking if they thought Hanfield knew the Bell, or was well acquainted with the Hounslow road, answered, Certainly; as he lived post-boy at Egham, or Staines, and, besides, worked upon that road as *guard to one of the long stages.*"

We therefore find Hanfield in situations which must render him well acquainted with Hounslow-heath; so that, on hearing, where Mr. Steele was murdered, he could pretty nearly point out *the spot.*—We next find him to have been *a soldier* in Hounslow barracks, which being near the place where the murder was perpetrated, the circumstances respecting it would be the subject of conversation among his comrades, and *the old hat*, as it appeared to have been a soldier's, would make the strongest impression upon the mind of a soldier. Lastly, we find him to have been a *guard to a stage-coach* on the Hounslow road, and therefore the most likely of all men, to have learned that *groans were heard by a coachman:* this being a circumstance that would be talked of by coachmen and guards

on that road, and which would particularly strike their attention;—and, as was before observed, the spot, the hat, and the groans, are the only facts he mentions throughout his long story.

But what appears to me by far the most important, is Hanfield's confession. He was charging himself with a capital felony to avoid military punishment, or rather, as he expresses it, military duty. He says, "he would rather be prosecuted for robbery, than serve his majesty." If therefore a man has unsuccessfully endeavoured to evade a minor punishment, by confessing a felony of a common and ordinary nature, he will feel the necessity of confessing a crime of greater enormity to release himself from a more perilous situation. Hanfield would thus argue with himself: "When in the month of June, 1805, I was charged as a deserter, I confessed myself guilty of a burglary, to prevent being returned to my regiment, but failed of success. I must therefore now accuse myself of some greater offence, and implicate others, in order to get released from my present sufferings on-board the hulks. I know the world are anxious to discover the murderers of Mr. Steele; I am acquainted with the spot: I also know that Mr. Steele's hat was taken, an old one left, and that groans were heard by a coachman: I will therefore cause it to be reported that I was concerned in the murder. Inquiries will consequently be made, and I will then confess it. As Holloway and Haggerty are men of bad character, I will fix upon them as having been my accomplices, and, before I can be a competent witness against them, I must have my pardon, which will, no doubt, be granted for that purpose." These, I conceive, to have been Hanfield's ideas and reflections, and the result has fully answered his expectation.

I will only here make one further remark as to Hanfield's confession. If it was compunction of conscience that compelled him to confess to Sir John Carter, and if, as he says, he has felt this compunction *ever since* the commission of the crime, why did he not confess at Bow-street, when he was acknowledging

knowledging another offence? This was surely a most favourable opportunity for him to ease his conscience, and had he been guilty of the murder, and his feelings such as he describes, he would certainly have availed himself of it.

The evidence of an accomplice, though admissible in our courts of justice, is always received with great caution, and, unless confirmed, the judges uniformly direct an acquittal; and for this reason: if a man is wicked enough to commit a felony, he will feel little hesitation in swearing falsely, to avoid the punishment which must necessarily follow. The confirmation must be such as to bear upon the persons accused, and not merely prove the circumstances attending the offence; for who could so correctly describe them as a man concerned? and though he may relate every minute particular respecting the felony, and receive complete confirmation therein, the persons he accuses as his companions may be perfectly innocent. The statement of an accomplice should, in the first place, be natural and consistent in every particular; so as not to leave a doubt as to its truth: and it is further requisite, that some part of his statement, as it respects the accused, should be confirmed; and the usual confirmations given in evidence are, that the prisoners have been seen in a situation from which it may fairly be presumed they participated in the offence, or that some of the property stolen was found in their possession. That Hanfield's account is in itself improbable and inconsistent, I think has been shewn; and if so, nothing is left to be done: for if the foundation be taken away, the whole edifice must necessarily fall. But lest I should not have been successful, I will proceed to point out the various confirmations his testimony, if true, might have received; requesting the reader to observe whether any such are afforded by the subsequent evidence.

First. As Hanfield states that he has been many years acquainted with the prisoners, known a good deal of them, and been much in their company, these circumstances, if true, could readily have been proved; instead of which it turns out, that Hanfield and Haggerty have been merely seen in public-houses

at the same time; but it is by no means clear that they associated together, or that Holloway was ever in their company.

Secondly. If they met at the Black Horse, and staid drinking until the middle of the day, the Landlord, or some one in the house, could have proved that fact.

Thirdly. If they drank together at a public-house on Turnham Green, at the Bell, or were in or about Hounslow, or on the western road, on the day of the murder, or nearly about that time, he might have been confirmed by the landlord of either of those houses, or any other person who had seen them on the night of the murder, or any night about that time.

Fourthly. That they returned together to the Black Horse, after the house was shut up, and drank gin; this being a remarkable circumstance, might naturally be expected to impress itself upon the landlord, and he or some one belonging to the house would surely have recollected it.

Fifthly. That Holloway at any time wore a hat similar to that found at Hounslow.

Sixthly. That he for two or three days wore a fine new hat.

Seventhly. That Haggerty about the time of the murder was possessed of half-boots.

Eighthly. That the two prisoners and Hanfield, on the Monday after the murder, were in company together, and drank at a house in Bridge-street, Westminster.

If these facts, or any of them, had been proved, it would have tended to support and strengthen Hanfield's testimony; and I am convinced that, from the ingenuity, talent, and industry, of those employed in conducting the prosecution, no pains nor exertions were wanting to seek for these very obvious confirmations; and, if they could have been obtained, they would most assuredly have been given in evidence. For confirmations, especially those of an accomplice, are an object principally attended to in all prosecutions.

John

John Vickery, an officer of the police-office, Worship-street, deposed, that on the 15th of November last he went to Langston Harbour, and received Benjamin Hanfield from the Captain of the hulks: that on their crossing Hounslow Heath *he pointed to the place.** That Holloway was apprehended by a parish officer for Paddington, who placed him in Clerkenwell prison, from which the witness took him to John-street, Bedford-row †: that he read the warrant charging him on suspicion of the murder of Mr. Steele. To this he said, "*He was innocent; he said, Oh dear! I know nothing about it. I will down on my knees to you and the justice, if you will let me go.*"

On the 29th of November, the Witness apprehended Haggerty, on board the Shannon Frigate, in the Downs: he did not tell him for what he was apprehended: *he was so unwell, he was obliged to be let down out of the ship into the boat.* Witness added, "I was apprehensive that he would *not live* to come to London." He was taken before the Port Admiral, who asked him how long he had been a marine. He said two years. He was then asked where he was three years ago? *You could hardly hear him answer, he was so very unwell.* He said, he did not know; I believe that was the word. The Admiral then said, pray where were you four years ago? Upon that he made no reply. I saw his countenance alter; he would have fallen backwards if I had not caught him."

Hanfield did not mention the stick, only the hat, which tallied with the description he gave, as near as could be, in the way it was mangled."

The circumstances stated by this witness, as to Holloway and Haggerty's conduct, cannot, I conceive, have the least weight against them. Holloway begs to be let go; and declares that he is innocent. Surely, here is nothing that can be construed into guilt. Haggerty's countenance alters, and he

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* I cannot conceive how this witness could tell whether he pointed *to the place*, as it does not appear that he was present at the finding Mr. Steele's body, or any of the articles relating to the murder. The only persons examined upon the trial, who could have said whether he pointed out the spot correctly, were Mr. Meyer, Mr. Mandy, Mr. Hughes, and Clayton, and it is rather extraordinary, that neither of them were asked the question.

† The residence of Mr. Nares.

would

would have fallen backward, if he had not been caught, when asked where he was four years ago. If Haggerty had been in perfect health, and the question had produced such an effect upon him, it would undoubtedly have been a circumstance of suspicion; but, from the description given by Vickery, it appears that he could not get out of the ship without assistance; that it was doubtful whether he could live; and when asked where he was three years ago, he was so unwell that his answer could scarcely be heard. If such were his situation, he ought not to have been further interrogated, and any question to which his not giving an immediate answer would be urged as a circumstance of guilt, ought to have been avoided; particularly when it is considered that he could scarcely articulate an answer to the preceding question, which no one has pretended could have produced a similar effect. And as he was obliged to stand before the Admiral, he must naturally and unavoidably have very soon fainted away, even without any interrogation at all.

John Smith, coachman, deposed, that in November 1802, he drove the Gosport coach, which left London at six, and got to Hounslow about eight. That on the night of Mr. Steele's murder, when the witness was between the trees and the eleventh mile-stone, he heard a man moan as though in distress: he heard the groans twice; the first louder than the last. It was *on the right hand side*, and apparently behind. The right hand as he was going along.

I have before pointed out the contradiction between this witness's account of the groans, and that of Hanfield; the latter stating that the murder and the groans were on the south side of the road; and the coachman, that the groans were on the north side.

Isaac Clayton, beadle at Hounslow, deposed, that he produced a hat, stick, and shoes, before Sir Richard Ford at Hounslow, which he had received from Hughes; that about five or six years ago he saw Holloway with a turnip team, with a man that had a wooden leg, of the same name; that he was not certain whether it was at the Bell, or

er at the Tankerville Arms; that he saw him at Worship-street police-office, and said, "I thought I know the man; *I looked at him very "hard*; he said, I know you; I says, I knew you very well; I saw "you either at the Bell or the Tankerville Arms; I saw you with a "man of the same name, that had a wooden leg, that came out of "Buckinghamshire." On his cross-examination he said, he knew him because he and the man with the wooden leg were of the same name, and that he saw him at the Brentford election, and that *he had no other reason for taking particular notice of Holloway, but that he was of the same name as the wooden-legged man.*"

In my conversation with Holloway, after his conviction, on my mentioning what was sworn by this witness as to his having been at Hounslow, he answered, it was not true, he never was there in his life; and gave the following account of the manner in which Clayton identified him when at the office. "He came and looked some time very hard in my face; "I asked him if he knew me; he said, what is your name? "I told him Holloway; upon which he said, then I do know "you; I saw you at Hounslow with a wooden-legged man of "that name, that came out of Buckinghamshire; I knew the "man, but I never was in his company at Hounslow." The evidence given by Clayton, to prove that he saw Holloway at Hounslow, appears to me very slight indeed; he says, he never saw him there but once, and *that* so long since as five or six years, and he does not know at which house, whether at the Bell or the Tankerville Arms. It should be remembered, that those houses are at a considerable distance from each other; the Tankerville Arms being at this end of the town, and the Bell the farthest public-house; and, indeed, beyond the town. He says, he saw him at the Middlesex election at Brentford. It is true Holloway was there, serving as an extra-constable during that election; but, if the witness's recollection were perfect, why not then recognize him as the person he had seen with Oliver, the name by which he also called the Prisoner; and why the necessity of looking at him *very hard?* The reason he gives for knowing him, or taking particular notice, is ridiculous; "because

"because he was of the same name with the wooden-legged man." According to this, if he had been sent for to identify any other man as having been at Hounslow, who should answer that his name was Holloway, he would have sworn the same.

Joseph Townsend produced a bludgeon, a pair of shoes, an old hat, and a strap, which he had received from the late Sir Richard Ford; and Mr. Hughes spoke to them as being those *he found* on the common.

William Blackman, a police-officer, deposed, that he had known Haggerty six or seven years, Holloway a year and a half, and Hanfield four or five years; that Hanfield and Haggerty kept company four or five years; he had seen them at the Turk's-Head, at the Maiden-Head in Dyot-street, and at the Black Dog in Belton-street.—That about four years ago, he saw Haggerty, Holloway, and Hanfield together. He also saw Haggerty at the Turk's-Head, dressed in a velveteen jacket and breeches, and new hat; and observed that he had been in a good thing lately, and asked what he was at? Haggerty answered, he was working in the country, serving the plasterers, and, to the best of the witness's knowledge, he served at Hounslow.

If this witness has known Holloway *only a year and a half*, how can he swear that he saw him in company with the other two *four years ago?* He must surely be mistaken. It appears, too, that his only reason for believing Haggerty and Hanfield kept company was, that he saw them in different public-houses at the same time. I think the witness must also be mistaken as to Haggerty having mentioned Hounslow as the place where he worked. I asked Haggerty whether he had ever worked at Hounslow, or said he did so? which he positively denied;—but, admitting he mentioned Hounslow, this would rather operate in his favour; for, had he been conscious of committing murder there, it would have been the last place at which he would have stated himself to have worked. The Police Officers at Bow-street were actively employed to trace the murderers; it was from that Office, that the advertisement offering the reward of fifty pounds was issued, and therefore had Haggerty really worked

worked at Hounslow, he would not have unnecessarily mentioned it to a Bow-street officer, but would rather have named a contrary road.

Edward Crocker, a Bow-street officer, deposed, that he knew Haggerty better than Holloway; that he also knew Hanfield, and had seen him in company with Haggerty several times at the Turk's Head and Black Horse; that he had seen Haggerty walk with a black-thorn stick; he had a lame ancle.

This witness does not strengthen the evidence of the former, as to the prisoner's keeping company with Hanfield, or with each other. Hanfield mentioned upon the trial, that a black-thorn stick was used, but it appears that he omitted to state any thing about a stick to Vickery; and it was only perhaps, upon his having learnt that one of the prisoners had been seen with such a stick, that he thought proper to introduce it.—Haggerty told me, that, about four years ago, he was so ill with a certain disease, that he was obliged to have the assistance of a stick to walk, and that he could not have gone on foot to Hounslow for any consideration.

Christopher Jones, a Bow-street officer, deposed, that he had known Hanfield three years, Haggerty five, and Holloway about six months; that he had seen Haggerty and Hanfield together in different houses, and in the streets, about three years ago, but never saw Holloway and Hanfield together.

This witness, if correct, certainly goes farther than either of the others to prove that Hanfield and Haggerty were known to each other, as he says he saw them together in the streets; but he does not state that they were associates, or that he had seen them in such situations as led him to suppose they went out together to commit depredations, which he would, no doubt, have stated if it had been the case.—I have every reason to believe it was not. Haggerty most positively denied that he had ever been out with Hanfield, and said he would not, upon any account, have been concerned with him, as he was a bad man; and, upon my asking him to explain what he meant, he answered,

swered, "The first time I was in custody, a fellow-servant of his was in the same prison, and he gave evidence against him, and was the occasion of his being convicted." This explanation was extremely natural, and a satisfactory reason why he should not accompany him to commit depredations, as a thief will always be suspicious of and refuse to associate with those who have been witnesses for prosecutions.

Richard Limbrick, a Bow-street officer, merely deposed as to the time he had known the two prisoners and Hanfield.

Collin M'Daniel, the landlord of the Black Horse, in Dyot-street, deposed, that he had known Haggerty nine or ten years, and Hanfield five or six, and that he had seen them in one box in his house three or four or five years ago, but not very often. On his cross-examination, he said three different companies might be in the same box at one time.

It was at this house that Hanfield says they met, staid drinking till the middle of the day on which they went to Hounslow, returned to it at midnight, and drank gin. But this witness does not say that he ever saw the three men in company, or even two of them drinking together upon any occasion. If he could, he would have been questioned on that point by the counsel for the prosecution.

William Beale, landlord of the Turk's Head, Dyot-street, deposed, that he had known Haggerty three years, Hanfield two years, and Holloway rather more than a twelve-month; that he had never seen them all together, but had seen Haggerty and Hanfield together at his house, about two years ago: they were both in the tap-room, but he never saw them drink together, he did not know whether they were in the same or different companies.

John Peterson, who had formerly lived servant with the last witness, deposed, that he had seen Haggerty and Hanfield together, at the Turk's Head, and had frequently served them with beer.

The evidence of these officers and publicans does not prove the prisoners and Hanfield to have been companions, or even accustomed to associate if they accidentally met. Holloway, though

though known to most of these witnesses, is not proved to have been seen with either of the others, and Hanfield and Haggerty being in the houses at the same time, is no proof that they were partners, or went out thieving together. If their evidence was intended merely to shew that Haggerty told a falsehood in denying a knowledge of Hanfield, I will admit that he does this most satisfactorily; but, at the same time, that it proves Haggerty to have persisted in a falsehood; it contradicts Hanfield's assertions that he had known a good deal of *both* the prisoners, and been a good deal in their company.

John Sawyer, lived at the Bell, in Hounslow, in November 1802; said he had seen the prisoners about Hounslow, but at what time, or whether together, or separate, or whether they were ever in that house, he could not tell. But it was before he left Hounslow, and he quitted in May 1803; he had not the slightest knowledge of Hanfield. He afterwards said, he would not be certain whether it was even in Hounslow that he saw the prisoner, but it was in the neighbourhood of Hounslow and Brentford; that he has lived at Hounslow the greater part of his time, and since he left he has no recollection of them; he must have seen them in that neighbourhood. He very seldom came to London then.

This witness was called for the purpose of contradicting the assertion of the prisoners, they having denied a knowledge of Hounslow; but what does he prove? His evidence merely amounts to this,—that he has at some time in his life seen them, but upon what occasion, or where, or when, or whether alone or together he cannot tell; and it might have been in London for ought he knows. His only reason for supposing it was in Hounslow or Brentford, or the neighbourhood of those places, is, that he was the greater part of his life there, previous to 1803; and he does not remember seeing them since he left Hounslow. He therefore concludes that it must have been before he quitted it. And, as he seldom came to London, or left the neighbourhood of his residence, he conceives that he could not have seen them elsewhere. Such vague evidence to prove men to have been at any given place was, perhaps, never

admitted in a court of justice; but, even had it been clearly proved that they had been at Hounslow in some part of their lives, if they were not in company with Hanfield, and if it was not about the time of Mr. Steele's murder, it would only have shewn that they had told a falsehood, and could not have implicated them in that crime. But the unfortunate men most solemnly and repeatedly assured me they were never there; and I cannot, from any evidence produced upon the trial, see reason to doubt the truth of their assertions in that particular.

John Nares, Esquire, a magistrate for the county of Middlesex, deposed, that he examined the prisoners separately, and read to them what Hanfield had said. Haggerty denied that he had ever seen Hanfield; said, that, during the winter of 1802, he worked for a Mr. Smith, in Castle-street, seven dials; that he was never in Dyot-street, at the Black Horse, with Hanfield or Holloway, in his life; that he was never at Hounslow; denied being with Hanfield at the Black Dog or Turk's Head, or knowing any of the Bow-street officers. Mr. Nares further deposed, that Mr. Smith, for whom Haggerty had said he worked at a particular time, being sent for, declared the prisoner did not work for him at that time.

That Holloway said he knew Hanfield, but never was at any public-house with him, except when they came out of prison together in 1804, when they went to the Buffalos's Head, in the New Road, but did not drink there together. He said he had known Haggerty about two years, but never was in his and Hanfield's company; that he was never near Hounslow, or worked there in his life; that, upon being questioned as to where he worked in November 1802, he answered, for Mr. Rhodes and Mr. Stedman, and for different people." These were all examined, and denied that he worked for them at that time.

It may very readily be conceived that ignorant men, in that situation of life, would be utterly incapable of stating, with accuracy, how they had been employed at a particular time four years back. Had they led regular lives, they could unquestionably have mentioned where they lived, and with whom; but, of men like them, who were sometimes working where they could get employment, and at others thieving, it was asking too much,

much. If the reader doubt this, let me ask him where he himself was that day four years; and should this be difficult to bring even to our own recollection, how much more so to prove it to others.

Can it be expected, then, that men, of loose and irregular lives, should be able to prove the like satisfactorily in a court of justice?—These men did not pretend to recollect where they were; but, had they mentioned fifty persons who could have stated that they recollected the prisoners being in their company on the 6th of November 1802, who would have believed them? It is not in the nature of things that a man can retain every trifling circumstance, so as to prove, at the expiration of four years, what happened on a given day and hour; and those who are conversant with courts of justice, well know that in nothing do witnesses vary so much as in hours and dates.

Next, as to Haggerty's denial of Hanfield and Holloway, it does not, in my mind, operate at all against him. He explained it to me in this way.—"When I first saw him before the magis-"trates, I was ill, and had not my recollection very well at "the time, and I was asked if I knew that man; and, as his "name was not mentioned, and he was in a different dress to "what I had ever seen him in, I did not know him, and told "the magistrates so; afterwards, when I heard his name, I knew "him directly: but, as he was a bad fellow, and I found he "was swearing lies against me, I thought it best to continue my "denia of him." But, supposing Haggerty to have been ever so well acquainted with Hanfield, and that he knew him the instant he saw him, still it ought not to be taken as a proof of his guilt, as it is well known that thieves, when apprehended, always deny knowing each other, and indeed, most frequently, every person and circumstance respecting which they are questioned; very naturally conceiving that the questions are asked with a view to implicate them in some offence, and that it is the safest way to deny every thing hence, therefore, Haggerty denied Holloway and the Bow-street officers.

Holloway's account of his knowledge of Hanfield does not appear

appear to be contradicted: but it is urged against him, that he mentions the names of persons for whom he worked in November 1802; whereas, upon enquiring, it turns out that he did not work for them at *that time;* the fact being, that he was mistaken in a year. When Mr. Nares was giving his evidence, Holloway thus explains it: "The mistake that was made was this—I made a mistake in a year: the persons that I had said I worked for in the year 1802, I worked for them in 1803 and 1804."

If he had been concerned in this murder, he would only have given a false account as to where he was on the particular day it was committed. There would have been no necessity for him to misrepresent as to the whole month; for, as he must know that the persons he named would be applied to, it would have better suited his purpose to have been accurate in this respect. He could have no motive to conceal where he was at any other time than on the 6th of November. But it will appear evident, from the conversation overheard by the officer, that he himself believed he was working for Mr. Stedman at that time.

The next evidence produced on the part of the prosecution, was, the private conversation which had been overheard by a police officer. Before I state the particulars, I cannot but observe, that it is much to be regretted, that an officer should have been placed to hear conversations between prisoners, which were to be used as evidence against them. If he be a conscientious man, it places him in a very unpleasant situation; for he must be aware that confessions proved by officers are always viewed with suspicion, and for this reason: officers are interested in convicting offenders; and, though they may not wilfully misrepresent for the sake of the reward, they must, from their employment, have a bias against persons accused. Hence they anxiously seek for every circumstance that will make against the prisoners, and are sure to remember every thing said by them, which will operate to their prejudice; while they pass over, as irrelevant, such things as are favourable. For these reasons,

sons, a police officer was the last man for such an employment: but rather one should have been selected who was perfectly disinterested; one who would not have taken any share of the fifty pounds reward; one who would have felt as anxious to obtain proofs of the innocence of these men as of their guilt; one who was capable of writing short-hand, and who could therefore have taken down *the whole* of what was said.

Daniel Bishop, police officer, of Worship-street, deposed, that the prisoners were examined seven different times, and after each day's examination were confined in two separate lock-up rooms behind the office, divided by strong partitions of quartering covered with iron plate. The witness was in the privy, within four feet of them, and could hear what they said *when they spoke loud enough.* On his cross-examination, he said, *there was some conversation he could not hear, and of course did not take it down.* The witness read a vast deal, as being conversation he had overheard between the prisoners. The greater part was unimportant: the following passages are those to which Mr. Gurney directed the attention of the Jury.

Haggerty. Did you tell them you know'd me?—*Holloway.* I denied it entirely.

Haggerty. Where is it you told them you saw me?—*Holloway.* At the top of Dyot-street; you know I must say somewhere thereabout. Which way did he say we came over the back fields?---*Haggerty.* I don't know.

Holloway. I know, that beadle told them what cloaths I wore, or they would never have known it.

Haggerty. Where is it he said we parted with him?---*Holloway.* At Hounslow.---Holloway. *Where did he say we had the gin?*---Haggerty. *At the Black Horse?*---Haggerty. *We must have had the gin there.*

Having already observed upon the subject of their denial of each other, I do not feel it necessary to say any thing further on that head; but I cannot account for Haggerty's asking Holloway, where did you tell them you knew me? after the latter had denied knowing him at all; and, if Holloway admitted that he knew Haggerty, I cannot perceive why it was necessary that he should state he saw him in Dyot-street. As to the question respecting the back fields, there can be nothing

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in it: it was merely asking how Hanfield had described they came home; but, had they actually been his companions in such a transaction, would not their own consciences have made them recollect every particular that had transpired? They must have known that he spoke the truth, and would not therefore have questioned each other on the subject.

I cannot understand the observation attributed to Holloway respecting the beadle describing his cloaths. I do not see how it makes against him, or what evidence in the case applies to give it importance. Clayton, the beadle, gives no description of his dress; and if he did, to whom does it make him or his cloaths known?

The question as to where he had said they had parted with him is not material, unless to shew that Holloway was mistaken, or the officer misunderstood what was said; for, according to Hanfield's evidence, they joined at Hounslow, instead of parting there. But we now come to that which was relied on as the strong corroboration; namely, Holloway asks, "Where did he say we had the gin?—*Haggerty.* At the Black Horse.—*Haggerty.* We *must* have had *the* gin there."

Could it be supposed, that if these two men had been concerned with Hanfield in this murder, had set off from the Black Horse, a house with which they were well acquainted, and that this was the only house where they went and drank on that night after the murder was committed; I say, had all this been true, could they in four years have forgotten it? If not, both the question and answer would have been unnecessary and absurd. If they had been to many different houses, and drank different liquors, and Hanfield had described the liquors they drank at each house, they might probably have forgotten whether he was speaking correctly of one in particular, and have asked each other; but, even were it possible that one of them had forgotten the circumstance, the conversation, as Bishop states it, is far from natural. The word *must* not only implies that he who used it, but he also, to whom it was addressed, doubted; and Haggerty, therefore, before he had said "We must have had the gin there,"

would

would have asked his companion " Did we have gin there?" and if he had answered, I don't know, or I forget, the words would then have been more consistent.

I am satisfied that none but a short-hand writer can take down a conversation, even if placed in the most advantageous situation: and even then would be liable to mistakes and omissions. It is well known that law-clerks, when writing from dictation, and receiving short sentences, are frequently obliged to ask the dictator to repeat.

If this be the case with men constantly accustomed to writing, and who have every possible convenience, how can it be expected that a *police officer*, in a dark confined place, without a desk, and separated from the parties conversing, should be able to write the whole of what passed, both question and answer, together with the names of the parties. I am sure he could not. He must have supplied some words from recollection; and the introduction of one word, though apparently trifling, may make a very great difference in the meaning of a whole sentence. This may be illustrated in the very words so strongly urged against the prisoners " We must have had *the* gin there." Let but the monosyllable in italics be omitted, and the reader will perceive, the sentence bears a very different interpretation. The Black Horse was resorted to by the prisoners; they had probably drank gin there, and perhaps together. Hence, their saying we must have had gin there, or, we have frequently had gin at the Black Horse, could not have been construed against them. Whereas the article " THE" renders the conversation applicable to the gin which Hanfield had mentioned.

Let us next consider the omissions which arose, as the officer says, from his being unable to hear *all that passed.* If he was so situated, his evidence ought not to weigh a feather in the scale against the prisoners. The conversations proved by him are completely unconnected, and it will be evident that something is wanting to render them intelligible: this something is omitted on account of the officer's either not hearing distinctly, or

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from his not being able to keep pace with the conversation. I remember upon some occasion hearing Lord Erskine, when at the bar, and expatiating on the necessity of collecting the import of a writing from a view of the whole, and not from detached parts, illustrate his argument by a quotation from scripture, where it is written, "There is no God;" whereas these words are a part of a very opposite assertion, viz. "*The fool hath said in his heart*, There is no God."

So, with these men; the officer would be extremely anxious to take down that which weighed against them, being placed for this purpose *alone;* and, while he was writing what appeared to criminate them, they might be saying that which completely explained it, so as to render the objectionable passages consistent with their innocence; for instance, We *must* have had gin there, *but never with him.*

I should here state, that upon my asking the prisoners how they could explain the conversation respecting the gin, they answered, that no such words had passed; that they never drank with Hanfield any where; and therefore could not have acknowledged drinking with him at the Black Horse; that they merely questioned each other as to what he had said in the office.

Having observed upon those parts of the conversations which the prosecutors particularly pointed out to assist their case, let us now select those which weigh in favor of the accused. It will be recollected that they had no idea they were overheard, but imagined they were alone, and therefore had no reason for disguise or misrepresentation.—Holloway said—"I wonder where they got that hat and shoes: they won't fit me." A man who had been concerned in the murder, and left his own hat at the spot, could not have made this observation to his associate in the crime, without calling for this answer, why the hat must fit you, it is yours; and the shoes are mine.

"*Haggerty.* The murder was done four years ago, and he says he was in the House of Correction; how should he know any thing about it?" Now if these three men had committed the

the murder, could Haggerty have supposed that Hanfield was in the house of correction at the time?

" *Haggerty.* Did you work for Stedman this time four years?"—" *Holloway.* To be sure I did; I worked for him eighteen months."—And in another place he says, " If I was at Stedman's at the time, we never shut up shop before twelve or one."—" *Haggerty.* And was not you there?"—" *Holloway.* Yes I was, and that will clear me." From this it is evident that Holloway supposed he was working for Stedman at the time the murder was committed: and it would be the height of absurdity to imagine, that he was atttempting to persuade the man concerned with him in the murder, that he was elsewhere when it was perpetrated.

Upon reference to the conversations, it will be perceived that the prisoners both denied a knowledge of Hounslow. *Haggerty* says, I never worked at Hounslow; and *Holloway* thus expresses himself: " The old beadle said afterwards, he did *not* know me, for I never worked where they said; they may laugh and swear as much about Hounslow as they please; but I don't know nothing about Hounslow." And *Haggerty*, in another part of the conversation, says, " I worked at Gardner's, near Bow-street, and he has run away since: I can tell the very day and hour where I worked;" and again, " I know where I worked in November; I know the very street and house; but it is no use talking here about it." Had these men been concerned together in the murder, would this have been their language?—Instead of telling each other where they supposed themselves to have been employed, would they not have consulted together what story they should frame, and where they should say they had been on that particular night?

There are several other expressions tending to evince their innocence; but in no instance an acknowledgement of guilt; which surely would have dropped from them, had they been really the murderers, and considered themselves alone.

It has been observed to me, that no direct assertion of innocence was made by them in those conversations. The reason

why none was sworn to by the officer I can readily imagine. No one can doubt, that the prisoners frequently declared their innocence when before the magistrate; but not a word of this was taken down or proved by Mr. Nares. Declarations made by prisoners are seldom noticed in the proceedings before magistrates, unless they make against them. If a man say he is innocent, it passes unnoticed; but if he acknowledge his guilt, or say any thing from which it can be inferred, such sentences are sure to be written down, and adduced as evidence against him. Bishop had heard their public declarations of innocence in the office, and well knew they are never attended to. He was not stationed to hear these assertions, but to learn what might weigh against the Prisoners. All, therefore, that Bishop thought militated against them he would be careful to set down, while their assertions of innocence would pass unnoted.

William Robinson, hatter, and William Britten, shoe-maker, were the last witnesses called; the former to prove that, upon looking at Holloway's head, he should think Mr. Steele's hat would fit him tight; the latter, that the shoes produced appeared to have been worn by some person for whom they were too long; that seeing Haggerty's feet he thought they were too long for him; that he believed he might have worn Mr. Steele's boots. It was also proved that an old hat of Mr. Steele's had been tried on, and fitted Holloway.

The learned Judge observed, that this evidence amounted to nothing; that the hat of Mr. Steele would fit any man whose head was of the same dimensions; and that it did not appear that Haggerty had worn boots.

I have now gone through the evidence for the crown, and made such observations as to me appeared applicable. To those who possess superior discernment, I have no doubt many other inconsistencies will occur; but I flatter myself, sufficient have been shewn to create a doubt in every impartial mind. If this has been done, I am satisfied.

If it be asked, why were not these inconsistencies urged to the jury? it should be remembered, that counsel retained to defend

fend prisoners charged with felony, are not permitted to address the jury, and until the trial had actually commenced, their counsel was not apprised of the evidence to be produced against them; he was merely made acquainted with a few short particulars, by no means sufficient to prepare him even to direct his cross-examination, so as to shew the improbabilities here pointed out.*

It will appear somewhat strange that the defence should thus have been delayed to the last moment. Ten days had elapsed between the commitment and trial, which was all the notice the prisoners received, having been kept during the previous three months in solitary confinement, and therefore disabled from procuring exculpatory evidence. This space of ten days surely could not have been too long, even had they possessed the means of making the best use of it, when it is considered that no trouble or expense was spared in the prosecution, that it was conducted with the active and praise-worthy zeal of many able and ingenious gentlemen, and that it occupied the whole of the time the prisoners were confined. In fact, only two or three days before the sessions commenced, Holloway's father, an industrious honest man (bailiff to a small estate) applied to me, saying he had been recommended to me to defend his son, and as there was so short a time to prepare for trial, and he had not then the money to fee counsel, he should wish it to be put off till the following sessions. I told him, as the charge was so serious, it would be most advisable, and that I would see the prisoners.—I found them also desirous that their trial should be put off, but as they said, they had no material witness absent, and as the only ground upon which

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* Mr. Humphreys, solicitor for the prosecution, who conducted his department with that ability and candour which mark the whole of his professional practice, offered, should I be concerned, to let me look over the depositions; but, the short interval between the time I was employed and the trial, prevented my availing myself of the opportunity; that interval being already insufficient for the slender preparation it afforded.

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the application could be made to the court was the short time they had been allowed to prepare for their defence, I told them the court might probably, using its discretion, refuse the application, and that they should be provided against such refusal. Holloway said, that neither he nor his father had any money: Haggerty represented, that his only resource was an application to his regiment for the arrears of pay which had accrued since his imprisonment, and begged I would write to his adjutant for the amount, which I did, in his name;*—and I heard no more respecting them until Thursday, the day before the trial, when I was told that the fathers of both were seeking me. On seeing the prisoners, they said they had made up their minds to take their trial; that nothing could, with truth, be brought against them; and, upon my observing that I understood the material and strongest part of the prosecutors' case was what had passed in their private conversations in the lock-up rooms at Worship-street, they answered, that they were innocent; that they had always, both publicly and privately, said so; and that if the officer spoke the truth, he must acknowledge it. I therefore prepared, as well as I was able, the instructions, which were the following morning delivered to Mr. Andrews, their counsel.

I cannot pass over this part of my narrative without saying, that in my humble opinion the public have much reason to regret, that these unfortunate men were unprovided with the means of defence. It would have been much more satisfactory to have known that they possessed the means of vindicating their innocence.—The prosecution was carried on under the direction of government, and with the public money; the minute investigations respecting the prisoners must have shewn its conductors that they were in the greatest indigence, and even without a shilling. Was this made known to the secretary of state? I cannot think it was: or surely, considering the peculiar cir-

* The day after his condemnation he told me he had received an answer, from the adjutant, informing him, that, being an absentee from the regiment, he was not intitled to pay.

cumstances,

cumstances, they would not have been left thus destitute till the last moment.

The hardship of depriving men charged with felony of the assistance of counsel to address the jury, has been generally considered, by the first of legal authorities, as a defect in our criminal code, which affords much less security to life than the rest of our laws do to the most insignificant property. In the most trifling assaults, counsel for the defendant are permitted to address the jury. If a man dispute with his neighbour respecting a right of entry, or the breaking a fence, and an action of trespass be brought, the result of which, if against the defendant, is usually a mere nominal fine, both parties are heard, at great length, by their counsel. But, if a man be charged with breaking a house in the night, for which he may forfeit his life, his counsel cannot make a single observation to the jury, though the prosecutor's counsel open the case, state the evidence, and by ingenious arguments apply it as forcibly as possibly against the accused. A man charged with felony is more in need of the full assistance of counsel than in any other case; not only because the very confinement disables him from self-defence, but because, in proportion to the magnitude of the charge, so will be the perplexity and confusion of the accused. The most innocent of men could not avoid agitation, when put on his trial, in a crowded court, for an offence which not only impeaches his character, but affects his life. Nay, the more falsely he is sworn against, the greater his agitation, and the less is he master of his own powers. In addition to this, he may be ignorant of the law, unqualified for public debate, and unable to find words to explain his ideas with perspicuity and force, or even intelligibly. He may be unacquainted with the legal points, or what facts bear against him, and weigh most with the court and jury; he may waste his energies, and tire his hearers, on objects which irritate his feelings without affecting the case. Is a man, thus circumstanced, enabled to address the jury with effect? how can he show any inconsistencies that they have arisen during a

trial

trial of many hours, or state circumstances which would best demonstrate his innocence? and does not such a code appear to savour of vulgar prejudice against every man brought to the bar of a criminal court? does not such a code require a continuation of that amendment, which it has already partly received since the times of feudal barbarism?

In cases of high treason, with which persons of superior rank are subject to be charged, and in which the crown may be supposed to take an interest, the legislature, though not till the 7th Will. III. and 20th Geo. II. have taken every necessary precaution to give the accused the best means of defence:—not only are counsel permitted to address the jury, but the prisoner may select two gentlemen from the bar, who are assigned him by the court or judge to plead his cause; besides which, he must be furnished with a copy of the indictment, a list of all the witnesses to be produced, and of the jurors to be impanelled, ten days previous to the trial. If so much care be taken as to one capital crime, ought not similar lenity to be shewn to those accused of other offences?

The following quotation from Blackstone's Commentaries, vol. IV. p. 355, shews the opinion that learned Judge entertained of the inequality of the criminal laws in this respect.

"It is a settled rule at common law, that no counsel shall "be allowed a prisoner upon his trial, upon the general issue, "in any capital crime, unless some point of law shall arise, "proper to be debated. A rule, which (however it may be "palliated under cover of that noble declaration of the law, "when rightly understood, that the judge shall be counsel "for the prisoner; that is, shall see that the proceedings "against him are legal and strictly regular) seems to be not at "all of a piece with the rest of the humane treatment of pri-"soners by the English law. For upon what face of reason "can that assistance be denied to save the life of a man, "which yet is allowed him in prosecutions for every petty "trespass? Nor indeed is it, strictly speaking, a part of our "ancient law: for The Mirrour, having observed the necessity "of counsel in civil suits, who know how to forward and defend

"defend the cause, by the rules of law and customs of the "realm, immediately after subjoins; 'and more necessary are "they for defence upon indictments and appeals of felony, "than upon other venial causes.' And the judges them- "selves are so sensible of this defect, that they never scruple "to allow a prisoner counsel to instruct him what questions to "ask, or even to ask questions for him, with respect to mat- "ters of fact; for, as to matters of law arising on the trial, "they are entitled to the assistance of counsel."

Is it not a hardship upon prisoners, that those employed to defend them should not be entitled to a copy of the informations? i. e. the evidence adduced before the magistrate. The *final* examination of a prisoner is always open, and the depositions of the witnesses publicly read in his presence; but, whether from ignorance, agitation, or want of memory, he is generally unable to retain what was sworn; and, as it most frequently occurs, that no solicitor or counsel is employed till after commitment, how can a prisoner instruct them so to shape his defence as to meet the charge, especially if he be innocent? For, in that case, the facts are completely new to him. The attorney for the prosecution, indeed, has copies of the deposition, though to him wholly unnecessary, as he knows from the witnesses what testimony they can give; while those employed by the prisoner are not allowed even a sight of them, however important, were it only to inform him who the witnesses are, and enable him to enquire into their credibility. The facts sworn may be false; but how are they to be investigated and disproved, unless they be known? And, as the depositions are publicly read, why the necessity for keeping their contents a secret to those who may afterwards be employed in the defence?

There have been a few instances in which the rule of final examination being public has been departed from; one, in particular, has come within my own immediate observation. I was employed by the relations of a woman accused with forging bank-notes, and attended in order to be present at the final examination; but, to my astonishment, I learnt, that the

solicitor for the prosecution had requested the magistrate to refuse admittance to any professional man on the part of the prisoner. To this request the magistrate had acceded, and I was therefore refused admission. What afterwards passed, shewed the impropriety of a private examination.

I waited till it was over, when the bank solicitor informed me, that if I would persuade the prisoner to plead guilty to an indictment, charging her with unlawful possession of forged notes, the bank would not try the capital charge. On my seeing the prisoner she was greatly agitated, and unable to tell what had been sworn against her, but said she was innocent; and, as I was ignorant of the case, I could not advise her to plead guilty to a charge, of which, for any thing I knew to the contrary, she might be innocent, and a conviction on which would subject her to fourteen years transportation.

A similar application for a final examination being private upon a bank prosecution, I believe has been made to the present chief magistrate of police, but he very humanely admitted the solicitor for the prisoners to be present.

I shall next describe the conduct of the sufferers from conviction to punishment.

I have already stated their uniform denial of being accessary to, or having any concern in, or knowledge of, Mr. Steele's murder. In order to judge of the sincerity of those denials, I, with all the ingenuity I possessed, and without letting them perceive my object, endeavoured to discover whether they had any latent hope of respite, or were actuated by a desire to preserve their characters from the foul imputation of murder. But I could not discover the slightest circumstance whereon to ground such a supposition. They seemed perfectly convinced that the world was so prejudiced against them, that they would always be considered the murderers, unless some strong and convincing facts should hereafter arise, from which their innocence would be rendered apparent, or the real murderers should be ultimately detected. And they always expressed a confident hope

hope that such would be the case; but, as to their punishment being delayed or averted, they, in my opinion, entertained not the least expectation of it. Nay, they never once intimated a wish that I should make any application on their behalf, though I endeavoured to lead them to it by asking if there was any thing they wished me to do for them, any message I could take, or any communication they wished me to convey to any one. To all which they answered in the negative. In short, they seemed perfectly resigned to their fate, and at the last moment met it with the calmness and fortitude becoming innocent men and christians.

I believe I have before stated that their denials were always made in a decent and respectful manner. I must again repeat that nothing could be more so. They never appeared the least captious or vexed at the numberless importunities they were subjected to; but were always ready to answer every question. They frequently called God to witness the truth of their assertions, but always with solemnity; and I particularly observed, that, whenever Haggerty mentioned the name of God, he took off his hat in token of reverence.

The night before the unfortunate men suffered, they were placed in separate cells, and each had persons remaining with them during the night, to assist in their devotions. Holloway was attended by the Rev. Mr. Knight, who officiates at the Rev. Mr. Rowland Hill's Chapel, and a young gentleman whom he brought with him. This he was induced to do, as he had not had any previous knowledge or communication with the prisoner, and could not therefore judge of his disposition; and, as he was charged with so horrid a crime as murder, Mr. Knight felt some apprehension for his own personal safety.

A respectable man of the Catholic Religion accompanied Haggerty, as did also a prisoner of the name of Nowlan. The conduct of the prisoners during the night is thus described.

The Rev. Mr. Knight's Account of Holloway's Conduct.

On Sunday afternoon I was requested by Holloway's father to attend his son during the night, to which I consented, and went to his cell between 10 and 11 o'clock that evening, accompanied by a friend. I told him I was come to sit up with him, if he had no objection; he answered, he was much obliged to me, and in a few minutes we were locked up, and commenced our devotions, occasionally singing hymns, praying, and conversing. He joined most fervently in prayers, and endeavoured to join in singing, and one hymn he gave out himself. About 12 o'clock he became heavy to sleep; and, in the course of the night, slept three times; the last time was by far the longest; and, in the whole, he slept about three hours; each time he awoke, he resumed his devotions. I particularly watched him while he slept, and he was perfectly calm and undisturbed; not even a sigh or groan escaped him during the night, either asleep or awake; but, while occupied in prayer, he wept much, and the tears ran down his face abundantly: after his devotion was ended, he became serene and composed, and smiled complacently. I asked him what made him feel so comfortable; he answered, because he was innocent. Admonished him as to the importance of not telling a falsehood in his last moments, and spoke to him with solemnity of his being about to enter into the presence of the Almighty; he still asserted his innocence; on which, we both said it was a shocking thing, if he was innocent.—He answered, "I am, and if you are within the "sound of my voice, you will hear me declare my innocence "in my last moments." In the course of the night, he expressed a wish that a few days would be given, to use his own words, to clear up things. About 5 o'clock, a letter was put through the grating of the cell, desiring us to continue our devotions, as no hopes could be entertained of respite; I read it to him; it made no visible alteration in his appearance or behaviour: he was still perfectly resigned, and as he drew nearer to eternity, his appearance was improved. At about half-past

six,

six, the doors were unlocked, and we went into a small room near the cells to breakfast. While we were there, he told Mr. Suter he wished to speak to him, and the latter followed him out. The object of this interview, I understand, was again solemnly to declare to him his innocence.* The denial of his guilt, just before he went out to suffer, was delivered in the most impressive manner I ever witnessed. Through the whole of the conduct of this man, that came under my observation, I could not discover the slightest indications of hardened depravity: he appeared to me sincerely contrite, and to feel a proper sense of his melancholy situation."

The gentleman who sat up with Haggerty said, "I went to his cell about half-past 10 o'clock on Sunday; Haggerty thanked me for my kindness in coming to spend the night; and, for some minutes there was a solemn silence, which was interrupted by my urging him to comply with the wishes of his friends, and the public at large, by an explicit confession. He answered, he could not do otherwise than as he had already done; he was innocent, and could not but declare it, and should assert his innocence at his last moment. We then commenced religious duties, in which he fervently joined, and appeared fully impressed with a sense of his duty towards God. I mentioned to him that his criminality would be much increased, if he were really guilty, by denying it; and that, above all things, he should be explicit with his Divine. He appeared perfectly aware that he could not assert a falsehood, and call God to witness its truth, without endangering eternal punishment. I asked him "what he thought of Hanfield;" he answered, that "he occupied the least of his thoughts." I told him, "what little you do think, ought to be as favourable as possible; you

* The following is what passed, as related by Mr. Suter. When they were alone, Holloway took Suter's hands, pressed them between his own, and frequently repeated, "Mr. Suter, I am innocent, I am innocent:" he then dropped down upon his knees, and said, "I am innocent by God." He arose, and kissed Suter's cheek.

should

should be sorry he is so abandoned, and lost to all sense of religion and morality, and should forgive him the injury he has done you:" he replied, "It is a hard thing to forgive a man that takes away my life unjustly." I then pointed out to him the necessity of his forgiving all injuries, however great; and, after some apparent inward struggles with his mind, he said, "well, I do forgive him: I forgive him from my heart;" he frequently repeated, he could not die better than for that he was innocent of. In the course of the night, Haggerty gave the following particulars, which I wrote down at the time. "Hanfield, during his confinement in Cold Bath Fields, acknowledged to some of his fellow-prisoners, that he himself was the only person concerned in the murder of Mr. Steele*; one to whom he mentioned it, was in the habit of working in the garden, but has since left; he was commonly called the gardener. Hanfield told one Timothy Sulivan, a prisoner in Cold Bath Fields, that Holloway knew nothing of the murder. He also sent frequent messages by one Thomas Eady, the wardman of the infirmary, to Haggerty, to make himself contented, that he should soon be discharged, and he himself sent on board ship, and that no harm would come to either of them. Hanfield told Jones, a soldier, that he would deny every thing he had said when he should be examined again: he wished he had not had any thing to do with it; and would be very glad if they would drop all, and let him serve the remainder of his time there. A prisoner, of the name of Flowers, asked him why he detained Holloway and Haggerty; he replied, with a horrid imprecation, that it was better they should be detained there a month or two, than he should be sent back to his old lodgings."

"He was very desirous that enquiries should be made respecting those particulars, and said he had no doubt that his innocence would shortly be made to appear."

"At his request I wrote a letter to his mother, of which the

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* This seems to have been rather an inference from the following expressions, than the words used.

following

following is a copy; he furnished me with the facts it contains, which I put in my own language."

MY DEAR AND MOST AFFECTIONATE MOTHER,

I am convinced, from that motherly and parental affection which you ever used towards me, that you cannot lose sight of me in this moment of affliction, and have therefore forwarded these, in which I hope you will receive a lasting comfort, the more so as I die innocent of the horrid crime with which I have been charged, and for which I shall this morning forfeit my life. I most earnestly entreat you not to grieve at my departure, as it will be but a short time before we meet again. To suffer innocently is a blessing which cannot fail to infuse into the breasts of my relatives a lasting and solid consolation, which if I were guilty would be altogether impossible. I feel a firmness and inward serenity which nothing but conscious innocence can produce, and I hope and trust, before this reaches you, that I shall behold my Redeemer face to face, and before whom I stand, solemnly denying any knowledge of the crime which so cruelly removes me hence, at such an early period of life, and which was perpetrated by a man whose character is already before the public, and whose testimony is altogether false. He implicated us with no other view than to screen himself; and, in pursuing that line of conduct, he has acquired a temporary respite from justice, which must shortly overtake him. I shall so far do justice to my feelings as to assert my innocence before the public, who must shortly become better acquainted with the facts. There is one circumstance which I must beg leave to mention respecting Hanfield, before I conclude, which is, his acknowledging himself, whilst in prison, the only person concerned in the murder of Mr. Steele. He told one Timothy Sulivan, a prisoner there, that Holloway was innocent of the murder; or, to use his own words, "Holloway knows nothing about it;" and as to myself, he sent word to me several times, by one Thomas Eady the wardman of the infirmary, to make myself contented;

contented; that I should soon be discharged, and he would be sent on board ship, and that no harm would reach me. There were others in the prison to whom he communicated the same circumstance, which can easily be ascertained by inquiry. These facts must convince every one, that no attention is due to his testimony, and which I will deny, with my last breath; to persist in which, unaccompanied by truth, would betray the most excessive folly and depravity. I must now, my dear affectionate mother, bid you an eternal farewell. Give my kind love to my dear father, my dear brother and sisters, and uncle and aunts, including your dear infants; and may God prosper and protect you all, and may the blessing of the Father, Son, and Holy Ghost, be and remain with you all for ever.

I am, my dear mother,
Your truly affectionate and happy son,
OWEN HAGGERTY.

"Between 5 and 6 o'clock a letter was put into the cell, which I hoped was to communicate that a respite was received; but, on opening it, I found the contrary; it requested that the prisoner would continue his devotion, as no expectation could possibly be entertained of mercy. After a few minutes had elapsed, Haggerty said, might he be so bold as to ask the contents of the letter. I informed him: on which he leaned his head upon his hand, and for some minutes said nothing: but he afterwards observed, that if the judgment of the law was to take effect, he did not wish the time to be delayed.

"I frequently asked him, during the night, how he found himself; and his answer was uniformly, "I am very well, thank God, considering my situation."

Very shortly after 7 o'clock, on the morning of execution, I went to the cells. Haggerty was engaged with his confessor, and, as he continued so until the sheriffs and their retinue arrived, I could not have an opportunity of speaking to him; but I saw and conversed with Holloway, who still denied his guilt

guilt, and said there were people in the House of Correction, who knew that he was innocent. I asked him who they were, and by what means they could prove it. He named Charles Flower, Timothy Sulivan, and the gardener; said, that what they knew was from Hanfield himself, who had acknowledged to them that he did not know him (Holloway), and that it would give him satisfaction if I would go up and inquire of them the truth of what he said. I promised him I certainly would, and asked him how he could omit stating these circumstances before. He answered, that he could not tell, he had forgot until then.

Upon the entrance of the sheriffs, the necessary preparations were commenced. Haggerty came out into the press-yard, and had his fetters struck off. He appeared deeply depressed, but uttered not a word, and returned into what is called the long room, to be pinioned. Holloway was pinioned before his irons were removed. He again returned into the long room, and a few minutes after said, he wished to speak to the gentlemen. At this time, several noblemen, the lord mayor, Alderman Flower, and many gentlemen, besides the sheriffs and under-sheriffs, were assembled in the yard. Never shall I forget the impressive manner in which he at this moment conducted himself.

A circle was formed, and, on his entering it, he began on his right, bowing slowly and reverently, until he had completed the circle; he then stood erect in the centre, and in an audible voice said, "Gentlemen, I die innocent; I know nothing of this here affair that I am going to suffer for." He then dropped down upon his knees, and with his hands, as in the posture of prayer, said, "I am innocent, by God!" He then arose, and with great composure proceeded to the scaffold.

Many of the public prints have, with shameless effrontery, represented these unfortunate men as having evinced the utmost depravity even upon the scaffold; but there is no foundation for such assertion. It is a foul calumny. From whence it originates I can guess, but it will not have its desired effect.

It has been said that Haggerty was about to confess his guilt; that he had begun to do so, but was prevented by Holloway; that Holloway refused to communicate with the ordinary, and desired Haggerty to have nothing to say to the priest; that his language was indecorous, and his behaviour scandalous. It has also been said, that Haggerty, after coming from his confession, refused to give answers respecting his guilt or innocence, by which it might be presumed that he tacitly acknowledged his guilt. These, and many other reports injurious to the sufferers, have been industriously circulated. I might pledge my word they are false, although I did not see them on the scaffold. I could not for a moment believe, that men, who had conducted themselves in the manner I have described, should in less than five minutes, and under additional cause for solemnity, behave so infamously. I was not, however, satisfied with my own conviction, but inquired of the gentlemen who attended them, and the result perfectly confirmed my expectations. Holloway several times told the spectators he was innocent; and, in the most emphatic manner, called God to witness the truth of his assertion; and, when he was doing so, Haggerty, unasked, said. "And I also am innocent!" And the last question put to him was, as to his guilt, and he readily and solemnly asserted his innocence. After the cap was over Holloway's face, he continued repeating.—"Innocent, innocent!" until the platform dropped.

Let me now ask the candid reader, was there any thing in the conduct of these men, that could induce the most prejudiced against them to believe they would enter into the presence of God, declaring a falsehood, and calling upon his name to witness its truth? Did they believe in God? Their fervency in prayer, the tears of Holloway when praying, the reverence of Haggerty in taking off his hat, when naming the Deity, and indeed the whole of their conduct, convince me they did so believe: I would therefore put more confidence in the dying declarations made by men thus conducting themselves, than in the oath of a man so depraved as Hanfield, however consistent his story might

might appear; and the more especially, when it is considered that those declarations, however true, were made at a time when not only no benefit could by any possibility be expected in this world, but, if false, the sufferers were knowingly calling down upon themselves the just vengeance of God in the world to come; whereas, the oath or testimony of Hanfield was to obtain his pardon. *They* had, therefore, no motive to declare a falsehood; he, on the contrary, a very strong one.

O Hanfield, Hanfield, unhappy wretched man! should these pages ever meet your eyes, consider the generous behaviour of Haggerty. He forgave you, though you prematurely brought him to the grave. To the grave, did I say?—no; the crime of which, upon your testimony, he and his fellow-sufferer were convicted, was of so heinous a nature, that, by the laws of the country, they were not only doomed to the most ignominious of deaths, but their bodies mutilated and denied the rights of sepulture. Consider *their* conduct, and if you have not a heart of flint, what must be your sensations of remorse! Do not resist such sensations; *fly to religion*,* for you have much, very much, to answer for: make every possible atonement for your crime, by a full and open confession; and I, even I, who now, at the bare mention of your name, shudder with horror, will say, God forgive you!

I will in charity believe, that, when it first suggested itself to your mind to accuse these men, your own release was *all* you sought; that you supposed they would only endure a slight and temporary imprisonment, to which, as they were men of depraved habits, there would be but little crime in subjecting them; and that all which followed arose from necessity, or was the effect of chance; but, if you believe in a future state, do not thus trifle with your conscience, and risk eternal torment and damnation. Remember, that he, who commits an unlawful and immoral act, is answerable for all its fatal

* His own words to Asbee, as related in the deposition of the latter.

consequences. The incendiary, who, from interested motives, fires his house, conceives that his object will be accomplished by the destruction of his own premises alone; but the flames communicate; they carry with them desolation and dismay; many perish, thousands are ruined; yet, perhaps, this guilty man would have shrunk back with horror at the idea of taking away the life of one individual fellow-creature. Is he not, however, equally culpable? is not he the murderer of all those who became his victims?—most certainly. For with him originated the immediate cause of their destruction. Thus it is with you, if you have accused these men unjustly; for, though you might not wish, or conceive, that their lives would be endangered, you are equally criminal, and are answerable, not only for their deaths, but for all the accumulated calamities, that marked the day on which they suffered.

The last, and in my mind, the most materially-convincing proofs of the innocence of the sufferers, I am now about to lay before the reader.

It will be recollected, I promised Holloway, on the morning he suffered, that I would go to the persons he mentioned in the House of Correction. The whole of that day my mind was so agitated, not only from having beheld innocent men preparing for execution, but from the dreadful catastrophe which accompanied their fate, as to be incapable of then fulfilling my promise. I went there the following morning, and on mentioning to the governor the purpose of my visit, he said I might see the persons I inquired for. I told him I wished him to be present, and hear what passed. The several persons whose depositions follow, were then brought into his office one at a time. I asked them if they had ever conversed with Hanfield respecting the prisoners, or the murder of Mr. Steele, and particularly cautioned them not to state any thing but the truth, as the men were dead, and could not be benefited or injured by what they might say; that, besides, I should, if it appeared to be material, take down their answers, and prepare an affidavit accordingly, for them to swear, and therefore advised them not

to

to say any thing they could not conscienciously confirm upon oath. They then stated the facts in their several depositions, which I have, as nearly as possible, drawn up in their own words; and it will be found that their representations very accurately correspond with what Haggerty told the gentlemen who sat up with him the night before his execution.

At the time the depositions were prepared, I conceived, that, upon explaining the purpose to which it was intended to apply them, any magistrate for the county of Middlesex would readily attend and administer the oath to the parties: for, surely, if considerable doubts remain as to the guilt or innocence of the men that suffered, it is desirable that every fair investigation should be promoted to clear away those doubts. If the innocence of these men cannot be established, they ought to be considered as guilty; and the world will rest satisfied that Mr. Steele's murderers have been discovered, and met with their merited punishment; but, if the men are really innocent, and it can be made apparent, are there not sufficient reasons, why it should be made public? First: that the real murderers may still be sought after, and not left to prowl upon society. Secondly: that convicts may not, like Hanfield, imagine they can, by framing bold and artful stories against innocent men, extricate themselves from punishment, and ultimately escape with impunity; for, if this idea prevail among the vicious, no man's life is safe. And, thirdly: the consolation it must afford to the parents of these unfortunate sufferers, to have the odium of murder removed from their families. These reasons led me to imagine, that no difficulty or opposition would arise to prevent the depositions being sworn; but I have made very many applications to magistrates without effect, several having declined interfering without the Secretary of State's consent, advising me to wait upon Lord Spenser, or Mr. Wynne, the Under-secretary. On the 16th inst. I accordingly waited upon Mr. Wynne, Lord Spenser being then out of town, explained to him the investigation in which I was engaged, with the difficulties felt by magistrates, and solicited his interference to remove

move them. Mr. Wynne answered, that, as no legal proceedings were to be instituted upon the depositions, he was doubtful whether the Secretary of State would interfere; but that I had better communicate my request in writing, and it would be attended to; I therefore next day sent the following letter:

"MY LORD,

"Having been engaged in a minute investigation "of the case of Holloway and Haggerty, who suffered for the "murder of Mr. Steele, and the result in my mind completely "demonstrating their innocence, I feel it of importance, that "the public should also be satisfied, in order that the real murderers should not escape with impunity; and, if I satisfactorily prove that Hanfield has caused the death of two innocent men, merely to obtain his pardon, a consideration "will arise, as to instituting some proceedings against him."

"In the course of this investigation, I have learned "some very material facts from persons confined in the House "of Correction, Cold-bath Fields, to the truth of which they "are willing to make oath, and I have prepared depositions "accordingly: but several police-magistrates, to whom I have "applied, feeling a delicacy in interfering, unless they have "the direction or concurrence of your Lordship, have desired "me to make the present application. I therefore take the "liberty of soliciting your Lordship to give directions to some "one of His Majesty's Justices of the Peace for the county "of Middlesex to swear the above mentioned depositions, or "that your Lordship will condescend to notify that there is no "objection to such depositions being taken upon oath."

"I have the honor to be,
"My Lord,
"Your Lordship's
"Most obedient humble Servant,
JAMES HARMER.

"St. John's Square, Clerkenwell,
March 17, 1807.

"To the Right Hon. Earl Spencer."

To this letter no answer has yet been given; which may have arisen from subjects of more moment occupying the time and attention of his Lordship; and as, by waiting for an answer, considerable delay might be occasioned, without ultimately attaining the object, the depositions are given in their present state; and, though not sworn, the Reader will judge, whether nearly as much credit is not due to them, the men having been ready to swear at all times, since the depositions were prepared.

" WE, the Undersigned, do most solemnly declare, that the statements contained in our several depositions hereunto annexed are strictly true in every particular; and that we are ready to swear to them when called upon.

his
TIMOTHY ⋈ SULLIVAN,
Mark.

THOMAS EDEY.

his
CHARLES ⋈ FLOWER,
Mark.

his
EDWARD ⋈ JONES,
Mark.

GEO. LONGDEN.
THO. ASBEE.
ARTHUR BRUE."

" Witness, J. HARMER."

" TIMOTHY

"Timothy Sullivan, a prisoner in the House of Correction, Cold-bath Fields, maketh Oath, and saith, that he has been acquainted with Haggerty about ten years, and has known Holloway two or three years, and Hanfield about a twelvemonth: and this Deponent saith, that he has, for the last four years, resided in or about the neighbourhood of Saint Giles's, and frequented the houses usually resorted to by thieves; and that he never saw the said three persons in company together: and this Deponent further saith, that the day after the said Hanfield became a prisoner, this Deponent saw him coming down from the Infirmary, and asked him how he came there; to which he answered, that the then last Saturday was a foggy day, and that he had made his escape; and this deponent knowing that the said Hanfield had been transported, and sent to Langston Harbour, and seeing him still dressed in the convict clothes, replied, that he could not have got out of the town (meaning Portsmouth) in those clothes; and the conversation then ended. And this Deponent further saith, that, a short time after, he learned that Hanfield had been brought to the Prison for the murder of Mr. Steele; and he then heard him sometimes express that he thought he should be hanged, and at others that he should get his pardon. And this Deponent saith, that, hearing Holloway was taken into custody for the same murder, and that Hanfield was to be the witness against him, he, the first opportunity, asked Hanfield whether Holloway knew any thing about the business, to which he answered that he did not; that he did not know any thing about Holloway: and this deponent saith, that, shortly afterwards, hearing Haggerty was in custody upon the same subject, he, the next time he saw Hanfield, told him the circumstance, upon which he changed countenance, and, at that time, said not a word: and this Deponent further saith, that he frequently afterwards saw the said Hanfield, and told him he had known Owen Haggerty for years, and that he was a man that would not hurt a worm; and that he never knew that they ever went out together, or were even acquainted with each

each other; and that it was a pity the men should lay there innocently; to all which observations he avoided giving an answer.

his
" TIMOTHY ✕ SULLIVAN,
Mark."

Sworn at the House of Correction for the County of Middlesex, the Day of 1807. Before me

" THOMAS EDEY, nurse to the Infirmary in the House of Correction, Cold-bath Fields, maketh Oath, and saith, That Deponent frequently went to that part of the prison where Hanfield was confined; and, as Haggerty was unwell, and a patient under this Deponent's care, Hanfield asked after him, and how he was; and, upon Deponent's saying he was in good spirits, he said, " you may tell both him and Holloway that they have no occasion to fret or make themselves uneasy, for, the next hearing they will both be turned up, and I shall have a swimmer, and that will not last me above six months, and then we shall all be at liberty." He also intimated, that it was better, they should be confined a short time, than that he should be on board the Hulks for seven years: and added, " that he would rather be at the House of Correction, if he had the same allowance he then received, a pint of beer and two loaves a day, for seven years, than have any thing farther to do in the business."— And this Deponent further saith, Haggerty's conduct, while he was in the same room with this Deponent, which was near two months, was that of an innocent man in every particular; and that Hanfield's behaviour was shocking to repeat. He behaved ill to every one, and threatened the lives of the patients without any provocation; and also abused and threatened the

Governor, the Doctor, and indeed every person about the prison.

" THOMAS EDEY."

Sworn at the House of Correction,
Cold-bath Fields, this
Day of 1807.
Before me

" CHARLES FLOWER, a prisoner in the House of Correction, Cold-bath Fields, maketh Oath, and saith, That he was committed on the thirteenth day of January last to the said Prison, and that about a fortnight after, upon going to the Infirmary to get his shoulder dressed, this Deponent saw Benjamin Hanfield, whom he had before slightly known as being a post-chaise boy for a Mr. Shaw; and this Deponent saith that he got into conversation with him respecting the murder of Mr. Steele, and said, if they were the men, (meaning Holloway and Haggerty,) they deserved to be hanged; but, if they were innocent, they ought to be recompensed for their trouble, as their characters were lost: and this Deponent saith, that the said Benjamin Hanfield answered, that they would be sure to be cleared of it, and that it was better they should be here (meaning the House of Correction) for six or seven months, than he to be at hulks for six or seven years; and frequently repeated, that they would be cleared, and that he should have a swimmer, by which this Deponent understood that he expected to be sent on board a man of war: and this Deponent further saith, that the next day he saw Holloway, and told him what had passed.

his
" CHARLES ⋈ FLOWER,
Mark."

Sworn at the House of Correction,
Cold-bath Fields, this
Day of 1807.
Before me

" EDWARD

"EDWARD JONES, a prisoner in the House of Correction, Cold-bath Fields, maketh Oath, and saith, That, at the time of his first imprisonment in this Prison, he was unwell, and went every day to the Infirmary, where he saw Benjamin Hanfield, with whom he had frequent conversations, in which he stated that he was very sorry he had brought those men up, (alluding to Holloway and Haggerty;) and said, that what he stated at the office went for nothing; that he said what he pleased there, in order to get his liberty; that he would not hurt a hair of their heads; and that, when it came to trial, he would do all away, get them turned up, and himself sent on-board ship, or he should be very glad if they would let them off, and permit him to be a prisoner for two years: and this Deponent further saith, that he believes the said Hanfield was more communicative with him on account of his being a soldier, and he, Hanfield, having been one also; and, every morning this Deponent went to the Infirmary, Hanfield requested him to go and walk in the yard, in order that they might not be overheard, and the language above described was frequently repeated; and this Deponent saith, that, Haggerty being in the same yard with this Deponent, he communicated to him what passed with Hanfield; and this Deponent further saith, that Haggerty always said he was innocent of what he was accused of.

his
"EDWARD ⋈ JONES,
Mark."

Sworn at the House of Correction,
Cold-bath Fields, this
Day of 1807.
Before me

"GEORGE LONGDEN, one of the turnkeys at the House of Correction, Cold-bath Fields, on his Oath, saith, That he hath, at different times, heard a prisoner, named Hanfield, during his confinement, and particularly a few days before his liberation, say, that, when he got out of his confinement, he would run

a knife into the Governor's bloody bowels, as well as his this Deponent's, or any bloody traps that should attempt to apprehend or take him; and other very bad expressions.

"GEORGE LONGDEN."

Sworn this Day of
1807. Before me }

"THOMAS ASBEE, a prisoner in the House of Correction for the County of Middlesex, maketh Oath and saith, That Benjamin Hanfield, since his commitment to the above prison, has been confined in the same Department as this Deponent, and this Deponent has had frequent conversations with him upon the subject of Mr. Steele's murder, but nothing ever passed from which this Deponent could infer the innocence of the persons accused, until Sunday, the twenty-second day of February, (the day before they suffered:) and this Deponent saith, that, seeing him, on the afternoon of that day, sitting by the fire, apparently in a desponding way, with his head reclining on his hand, and this Deponent never having observed him so serious before, thought it a good opportunity to converse with and question him; and this Deponent went and shook hands with him, and asked him how he found himself: he answered, 'Rather poorly, but as well as could be expected.' And this Deponent further saith, upon appearing solicitous about him, he requested this Deponent to permit him to have an hour's conversation by themselves, there being then several persons in the room; and deponent accordingly took him down into his own apartment, and gave him some porter, and then began conversing, as seriously as he was able, upon religion; and, as Deponent perceived he was affected, and that the tears were running down his face, Deponent pressed him very closely, and asked him 'What he thought would become of him if those men suffered innocently?' he answered, 'Innocently!—they cannot be innocent; for, if they have not done this, they have done other things as bad.' And, on this Deponent's again asking him

him what he thought would become of him, he answered, 'I shall fly to religion, and every thing is to be forgiven, I have no doubt.' Deponent observed, that, if he had any hopes of a future state, he ought immediately to confess the innocence of the men, as it was not yet too late; and asked what could induce him to charge innocent men: he answered, that self-preservation was the first law of nature; that the Hulks on board which he was confined was a shocking dreadful place; and added, 'you or any man, rather than be seven years at the Hulks, would hang as many men as were killed at the battle of Copenhagen.' And this Deponent saith, that their conversation ended a short time before lockings; and that, at the time they separated, he shook hands with this Deponent, said he had given him good advice, and hoped nothing would go any further, thereby intimating a wish (as this Deponent understood him) that this Deponent would not communicate to others any thing that had passed: but this Deponent saith, that, immediately upon his return to his fellow prisoners, he told them, and also publicly mentioned it the next morning before Hanfield was taken away from the prison. And this Deponent further saith, that, until the conversation above described, Hanfield never appeared to this Deponent to feel or express the slightest contrition or remorse; on the contrary, the greatest part of his conduct was depraved, and his language shockingly blasphemous; and so habituated was he to brutal expressions, that, while he was thus seriously conversing, he could not suppress the language to which he was addicted; for, on this Deponent's asking him, who went with him, when he gave his evidence, he answered, Bridgman; and added, that, if George (who is one of Mr. Aris's men) had gone up with him, he would have murdered the bl—dy b——r."

"THOMAS ASBEE."

Sworn at the House of Correction, for the County of Middlesex, the day of 1807. Before me

"ARTHUR

"Arthur Brue, nurse in the Infirmary of the House of Correction for the County of Middlesex, maketh Oath, and saith, That Benjamin Hanfield was in the same place with this Deponent during the time he was confined in the above prison; and this Deponent had therefore an opportunity of observing his demeanour; and this Deponent saith, that his conduct was shocking; and this Deponent was always afraid of him, and dreaded, from his behaviour to Deponent and the poor people who were ill, that he would commit murder: and this Deponent saith, that he several times assaulted persons who were in the Infirmary; and that, one night in particular, at about half-past twelve o'clock, he assaulted a man of the name of James Bryant, while in bed, and tore his shirt in pieces. And this Deponent further saith, that he saw the said Hanfield in the way described by Asbee in his Affidavit, and heard him say he should like to speak to him alone.

"ARTHUR BRUE."

Sworn at the House of Correction for the County of Middlesex, the Day of 1807. Before me

Should it be objected that those who sign the above depositions are bad characters, and ought not therefore to be believed, especially as Hanfield afterwards denied having made the declarations attributed to him,—let me ask if these men are one tenth so depraved as Hanfield? Yet upon his testimony were the sufferers convicted and executed. Even admitting them to be equally bad, Hanfield, by the evidence he was giving, procured liberation from the Hulks, and pardon from transportation. The Deponents, on the contrary, had no wish to gratify, no sinister end to answer. Asbee never saw either Holloway or Haggerty, and therefore could not feel at all interested for them. Indeed, the whole of the depositions

tions were made after their death; consequently, supposing those men to have been the most intimate friends and associates of the deceased, and wicked enough to swear falsely, to save them from punishment,—they would not volunteer perjury, when it could not possibly benefit themselves or their acquaintances, and would certainly procure them no favour. If these Deponents, then, had no interested motive for asserting untruths, and if Hanfield unquestionably had, the reader may judge to whom most credit is due.

I should observe, that Brue and Edey were placed in the situation of nurses to the Infirmary, on account of their humane and proper conduct; they are therefore less liable to be suspected of perjuring themselves, even were it likely to answer some beneficial purpose. But it cannot, surely, be believed that the Deponents would willingly swear falsehoods, merely to remove the odium of murder from the characters of men with whom they were unacquainted.

The depravity of Hanfield's conduct does not rest upon the statements made in those depositions. When in the House of Correction, he has used violent threats in the hearing of the Governor's Son. The shirt which he tore in pieces from the back of a fellow-prisoner, as mentioned by Brue, is in the Governor's possession; and the following incident, which occurred only a short time before the trial, tends to shew the ferocity of his disposition. While exercising himself at Fives, a little puppy, in the playfulness of its nature, ran after him, and entangled itself for a moment between his legs. He immediately seized the poor little animal, and with the greatest malignity dashed it against the wall, so that, on its reaching the ground, it lay for some time apparently lifeless. He is besides well known in the different prisons of the metropolis for the brutality of his actions, his horrid blasphemous expressions, and his diabolical threats against those who even unintentionally offended him. The whole of this man's behaviour, therefore, completely refutes his assertion—of having felt compunction or remorse of conscience for the last four years.

Upon

Upon investigating the characters of Holloway and Haggerty, I find Holloway usually got his living by honest industry, but was once convicted of a petty theft, and sentenced to six months imprisonment in the House of Correction; and, when there, he was permitted to work in the garden,—an indulgence granted only to those who behave themselves well. The offences, of which Haggerty appears to have been guilty, were such as stealing lead from a falling and deserted house; or running away with trifling articles exposed in the street for sale; and, so far from his being a desperate man, he was the object of ridicule among those who lived entirely by thieving, because he would nearly starve rather than commit thefts; and he was at last so much reduced, as to be compelled to enlist in the Marines. They were neither of them professed thieves, who premeditated crimes, but merely yielded occasionally to present temptation when out of work. And, from all that I have been able to collect of their disposition, they were very unlikely men to have committed a crime so abhorrent from human nature as that ascribed to them.

The Public are now in possession of the Documents I have collected, and of such observations as have occurred. By some I have been censured for the undertaking,—by others threatened. I have been told, to my face, that prosecution would surely follow any publication I might send into the world, which had for its object to shew the innocence of the sufferers; that the Attorney and Solicitor General should be consulted; that, if I ventured to publish any thing, I must not expect to remain upon the Roll of Attorneys. But I was not to be intimidated or deterred from that which to me appeared right. If, because I dare give my opinion openly and dispassionately, together with the grounds upon which that opinion is formed, I am unfit to remain upon the Roll, let me be struck off! I would rather subsist by daily labour, conscious of not having violated or neglected a sacred duty, than fill the most lucrative situation, and basely suppress the truth, in compliance with magisterial menaces; but I know too well the liberality,

liberality, the honour, and the public virtue, of those who watch over the purity of the Rolls of Attorneys, to entertain for a moment the slightest apprehension that such menaces can be carried into effect.

I know not whether similar threats have been used to others; but part of my manuscript was in the hands of a printer; the press set, and a proof actually worked off, when, together with the manuscript, it was returned, accompanied by an apology from the printer; saying, that, even if no ill consequence resulted, he should feel uneasy, and therefore declined proceeding. From this circumstance, the publication has been unavoidably delayed.

I have now discharged that which I consider an imperative duty. Whether I am justified in the steps I have taken; whether the observations I have offered are deserving attention, the inferences just, or the conclusions maintainable; or, whether the facts produced are irrelevant and improbable, the Public will determine. To their tribunal I submit the whole openly and unreservedly, yet with the greatest diffidence as to the execution of the task. Whatever be the result, I shall be content. Conscious that I am prompted by none but pure and disinterested motives, and that I have no desire whatever, to misrepresent facts, or mislead the public opinion, if I err in the judgment I have formed, the error will, I hope, be deemed to proceed from the head, and not from the heart.

FINIS.

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ERRATA.

Page 24, line 20, *for* only, *read* it only.

22, — retracted, *read* repeated.

31. The eleven lines at the end of this page, and the six lines at the top of the next, should have been inserted after the first paragraph in page 31.

51, line 7, *for* be, *read* it.

52, — 31, — in that, *read* in their.

58, — 2, — that, *read* this.

Lewis & Hamblin, Paternoster-row.

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Holloway and Haggerty.

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